

# THE GENERAL ASSEMBLY

GA6/I/12

SUBJECT OF RESOLUTION: Status of the Protocols Additional to the Geneva Convention of 1949 and Relating to the Protection of Victims of Armed Conflict

SUBMITTED TO: The Sixth Committee

SUBMITTED BY: Singapore, Australia

*The Sixth Committee*

1           *Recalling* its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16  
2           December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988,  
3           45/38 of 28 November 1990, 47/30 of 25 November 1992, 49/48 of 9 December 1994, 51/155 of 1996,  
4           53/9 of 8 December 1998 and 55/148 of 12 December 2000 and 15 October 2002,

5           *Further recalling* all relevant resolutions not in the General Assembly Sixth Committee,

6           *Further recalling* the Secretary-General's Report to the Millennium Assembly,

7           *Noting* with deep satisfaction the complete ratification and accession by all 191 General  
8           Assembly members to the Geneva Conventions of 1949,

9           *Concerned* however with the violations of the Geneva Conventions of 1949, despite universal  
10          acceptance and recognition,

11          *Deeply* disturbed by the increasing number of innocent civilians caught in conflict zones and  
12          subjected to human rights violations,

13          *Noting* that the lack of legal standards are not the primary reasons for numerous violations and  
14          abuses perpetrated against victims of armed conflict but rather, the non-compliance by State and  
15          non-State actors with the principles and rules of international humanitarian and human rights law,

16          *Observing* that efforts to enhance humanitarian laws receive vehement opposition from certain  
17          members whose states are likely to find themselves in armed conflict,

18          *Welcoming* the formation of national committees to oversee the implementation of international  
19          humanitarian law and the Geneva Conventions,

20          *Noting* with satisfaction the formation of international tribunals on a case by case basis, while  
21          maintaining similar elements of previous tribunals that deal specifically with alleged violations of the

22 Geneva Conventions,

23 *Concern* with regret by the increasing number of violations of the Geneva Conventions and  
24 international humanitarian law in the name of fighting terrorism and the condoning thereof,

25 *Bearing in mind* the difficulty of identifying and targeting terrorists under conditions of war  
26 while simultaneously refusing to recognize civilians as lawful combatants,

27 1. *Reiterates* the humanitarian right of an accused party to have a fair and expedient trial;

28 2. *Recommends* greater expediency and cogency by the Security Council in taking action to get  
29 relevant authorities to respect the rights of victims and in initiating action that would hold the  
30 perpetrators accountable;

31 3. *Invites* all member states to submit a report detailing their implementation of the Geneva  
32 Conventions and its additional protocols, where applicable, at the next meeting of the sixth committee  
33 to the secretary-general, who may then if he so chooses to, create a committee to analyze the reports,  
34 the report shall contain:

35 (a) Information on the nation's relationship to the Geneva Convention and its additional  
36 protocols, where applicable;

37 (b) Current national laws in relation to the Geneva Conventions;

38 (c) A list of observations and proposals which may improve the current conventions and its  
39 additional protocols;

40 (d) Other relevant information that a member may deem necessary or aid in the universal  
41 adherence to the said convention or protocols, where applicable;

42 4. *Calls upon* Security Council to take a more active role as well as an expedient one in  
43 prescribing action particularly under Chapter VII of the United Nations Charter towards entities that  
44 have violated the rules of international law in particular the Geneva Conventions;

45 5. *Invites* countries to remain loyal to the objectives they committed to, by acceding to or  
46 ratifying the Geneva Convention, and strive to attain its goals and by so doing, bring to it honor and  
47 credit;

48 6. *Further invites* all parties, entities and factions participating in armed conflict to acknowledge  
49 and comply with current instruments of international humanitarian law and observe all provisions  
50 therein;

51 7. *Endorses* the separation and independency of jus in bello and jus ad bellum while pursuing  
52 international humanitarian law and the protection of victims in armed conflict;

53 8. *Suggests* all member nations continue to disseminate information about international  
54 humanitarian law and the Geneva Conventions to their citizens both in peacetime and in times of  
55 conflict as initiated by the International Committee of the Red Cross and Red Crescent;

56           9. *Reaffirms* the role of the International Court of Justice, as a functioning body, in being a  
57 center where members can express perceived violations of the Geneva Convention and international  
58 humanitarian law;

59           10. *Further recommends* the resumption of the Conference of High Contracting Parties of the  
60 Fourth Geneva Convention to observe and discuss provisions of the Geneva Convention;

Final Vote: 45 - 25 - 26