

Session of Wiesbaden - 1975

**Conditions of Application of Rules,
other than Humanitarian Rules,
of Armed Conflict to Hostilities in which United Nations
Forces may be engaged**

(First Commission, Rapporteur : Mr Edward Hambro)

(The French text is authoritative. The English text is a translation.)

The Institute of International Law,

Recalling its Resolution on "Equality of application of the rules of the law of war to parties to an armed conflict" (Brussels Session, 1963) ;

Recalling its Resolution on "The distinction between military objectives and non-military objects in general and particularly the problems associated with weapons of mass destruction" (Edinburgh Session, 1969) ;

Recalling its Resolution on the "Conditions of application of humanitarian rules of armed conflict to hostilities in which United Nations Forces may be engaged" (Zagreb Session, 1971) ;

Noting that the United Nations has made use of armed Forces on various occasions and that such Forces, whatever their mission, might become involved in actual hostilities ;

Considering that pending the elaboration of a comprehensive set of rules for United Nations Forces, it is necessary to determine the conditions under which the rules of armed conflict apply to such Forces ;

Reserving the study of the problems of individual criminal responsibility ;

Declaring, furthermore, that the present Resolution is without prejudice to the eventual solution of the problems concerning the competences respectively of organs of the United Nations in creating or directing United Nations Forces,

Adopts this Resolution :

Article 1

For the purposes of this Resolution, the term "United Nations Forces" shall apply to all armed units under the control of the United Nations.

Article 2

Subject to the exceptions provided for in the following Articles, the rules of armed conflict shall apply to hostilities in which United Nations Forces are engaged, even if those rules are not specifically humanitarian in character.

Article 3

Every State shall be entitled to give the United Nations Forces any assistance requested from it by the Organization.

The following Articles shall be without prejudice to the effects which an illegal use of armed Forces may have in general international law upon the principle of non-discrimination in the application of non-humanitarian rules of armed conflict.

Article 4

Whenever United Nations Forces are engaged in hostilities, Member States of the Organization may not take advantage of the general rules of the law of neutrality in order to evade obligations laid upon them in pursuance of a decision of the Security Council acting in accordance with the Charter, nor may they depart from the rules of neutrality for the benefit of a party opposing the United Nations Forces.

Article 5

No State shall be deprived of its status of neutrality, including permanent neutrality, for complying with the rules laid down in this Resolution, nor shall such compliance justify the application of reprisals or any other measures of coercion against that State.

Article 6

The parties referred to in this Resolution shall be under the obligation to make reparation for any damage which they might cause in violation of the rules of armed conflict.

Recommendation I

It is desirable that the United Nations act upon Resolution I of the Intergovernmental Conference for the Protection of Cultural Property by enjoining their Forces to respect The Hague Convention of 14 May 1954 on the Protection of Cultural Property in the event of Armed Conflicts.

Recommendation II

It is desirable that the United Nations state in a appropriate form that it considers itself bound by the 1949 Geneva Convention in all operations to which its Forces might be parties.

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(13 August 1975)