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at 3 p.m.
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SUMMARY RECORD OF THE 47th MEETING

Chairman: Mr. FERRARI-BRAVO (Italy)

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ORGANIZATION OF WORK

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 120: DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES (continued) (A/33/39 and Corr.1, A/33/110, A/33/194, A/33/209, A/33/229; A/C.6/33/L.5)

1. The CHAIRMAN announced that Colombia had been omitted in error from the list of sponsors of draft resolution A/C.6/33/L.5 and that Bolivia, Paraguay and Suriname had also become sponsors of that draft resolution.
2. Mr. EL-BACCOUCH (Libyan Arab Jamahiriya) said that his delegation, which had participated in the 1978 session of the Ad Hoc Committee, wished to express its highest appreciation for the constructive efforts made by the delegations of the non-aligned States which had participated in that session and also the sincere efforts made by the delegation of Mexico. The delegations of the non-aligned group had taken the initiative at that session to make a genuine endeavour to overcome one of the obstacles to the conclusion of an international convention against the taking of hostages, namely the status of national liberation movements, and that endeavour had resulted in the proposal set forth in paragraph 19 of the report (A/33/39).
3. His delegation which still wished to press the proposal concerning the status of national liberation movements (A/AC.188/L.5), which it had submitted, together with other delegations, at the 1977 session of the Ad Hoc Committee, considered that the proposal submitted by the non-aligned group represented a good means of resolving that difficulty, which had been faced by the Ad Hoc Committee since the beginning of its work, and that it reflected the views of the great majority of delegations which had participated in the general debate on that item. It was essential to include such a provision in the convention.
4. The Ad Hoc Committee had made great progress at its 1978 session, but, although it had made considerable advances in the reading of those draft articles which did not give rise to controversy, many thorny questions remained outstanding, which included, in addition to the scope of the convention and the question of national liberation movements, the question of the definition of taking of hostages, the question concerning extradition and right of asylum, the respect for the principles of sovereignty and territorial integrity of States with regard to the release of hostages and the concept of political offence. Those issues called for further effort and perseverance and must be resolved in a way acceptable to most, if not all, States.
5. In order that the Ad Hoc Committee might continue its efforts to prepare a draft convention that would receive the widest possible acceptance, his delegation had no difficulty in supporting the adoption by consensus of draft resolution A/C.6/33/L.5.

6. Mr. ARMALIE (Observer, Palestine Liberation Organization) expressed satisfaction at the progress achieved in the work of the Ad Hoc Committee.
7. The Palestine Liberation Organization (PLO), like all other liberation movements recognized by the United Nations, had always adopted an unequivocal attitude with regard to the taking of hostages and had always opposed acts of violence against innocent persons perpetrated by individuals or groups of any kind. The integrity of the individual had always been a primary concern of the PLO. It had been in defence of that integrity and in order to combat oppression that oppressed peoples, under the leadership of their liberation movements, had taken up arms. The ideal of the liberation movements in their unequal and relentless struggle against the forces of colonialism, racism and occupation, remained the protection of intrinsic human values, and the triumph of freedom and self-determination.
8. In that spirit, the national liberation movements had made a positive contribution to all international efforts to promote human rights, as demonstrated by the role they had played at the four sessions of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, held in Geneva from 1974 to 1977. As bearers of the message of suffering humanity, of peoples oppressed under the yoke of apartheid and zionism, they had made a valuable contribution to the establishment of rules applicable to the new types of conflict which had arisen since the Second World War. In that regard, he recalled the obstructionist attitude adopted by an entity which had existed and survived only by brute force, aggression and expansionism. Only Israel had voted against the basic articles of Protocol I, namely articles 1 and 44.
9. His delegation would continue to work within the Committee in the same constructive way, in order to eradicate the phenomenon of the taking of hostages. However, in order to achieve a global solution, the Ad Hoc Committee must take into consideration all types of hostages. The phenomenon had transcended national boundaries, had become part of the more general problem of international terrorism and, in many cases, was closely linked with a specific political or social situation. Consequently, any decision intended to be universally acceptable would be adequate only in so far as it took account of the underlying reasons, whether they were condemnable or justifiable. No over-all solution could be achieved unless it was considered also from the political point of view.
10. A number of members of the Ad Hoc Committee continued to work in ignorance of the importance of the national liberation movements, their representative nature, the legitimacy of their struggle for self-determination and independence, and the conditions in which that difficult and unequal struggle was being waged against enemies who had made shameless use of the most sophisticated weapons and, in many cases, as had been seen in recent years in southern Africa and the Middle East, of weapons prohibited under international law. As long as those facts remained unknown or continued to be minimized, any comprehensive solution to the problem would remain hypothetical.

(Mr. Armalie, Observer, PLO)

11. The Ad Hoc Committee had two options. If it acknowledged the factors which he had just enunciated, its task would be very simple. It could consider the provisions of the Geneva Conventions of 1949 and the Additional Protocols, applicable in international armed conflicts, such as the struggles being waged by the national liberation movements, and endeavour to remedy any inadequacies in those provisions, without prejudice to the inalienable right of peoples to self-determination. However, if, as was unfortunately the case, certain members of the Ad Hoc Committee, for political reasons, refused to recognize the legitimacy of the liberation movements, the actions of the oppressed peoples struggling against foreign domination, racism and occupation would continue to be governed exclusively by the relevant provisions of the Geneva Conventions of 1949 and the Additional Protocols. As the representative of Algeria, speaking on behalf of the third world countries, had pointed out, the field of application of any future convention, and particularly the definition of the term "taking of hostages", could not include conflicts in which peoples were struggling for self-determination. The Ad Hoc Committee had no mandate to codify the law relating to warfare or to any of the aspects of international conflicts. If it wished to do so, it had only to consider cases in which an entire population had been taken hostage, at the will and mercy of forces of oppression which deprived them of their property, drove them from their homes and had no qualms about annihilating them by armed aggression in order to establish their supremacy.

12. That was the view not only of the liberation movements, but also of all peoples who knew the meaning of the terms racism, colonization and foreign occupation. As was the case for any international instrument, the future convention must be sanctioned by the oppressed peoples and their supporters. In no instance should it contain elements which might be prejudicial to their fundamental and inalienable rights.

13. The letters from the Permanent Representative and the Chargé d'affaires a.i. of Israel to the Secretary-General reproduced in documents A/33/110, A/33/209 and A/33/229 contained the slanders, injurious statements, falsification of the facts and contempt for the international community which constituted the normal repertoire of the Zionist delegate. Ambassador Fall, who enjoyed universal respect by virtue of his moral integrity and humanity, would have no difficulty in formulating a fitting response to such a provocation. Moreover, all those who still held the United Nations in some esteem would know how much credence to lend to the dishonest and subversive statements made by the representative of Israel, which was the ungrateful creature of the United Nations.

14. The PLO, for its part, had, at the appropriate time, denied any responsibility for the attacks carried out in Paris and London and referred to in the documents he had mentioned. The responsibility for the first attack had been claimed by a group which had never been heard of before and had no link with any of the resistance organizations constituting the PLO. As far as the "Popular Front for the Liberation of Palestine - Special Operations" was concerned, not only did it not belong to the PLO, but the Popular Front for the Liberation of Palestine too, had categorically denied any relationship with the authors of the attack in London. Furthermore, the investigations conducted by the French and British authorities had revealed nothing to incriminate the PLO.

(Mr. Armalie, Observer, PLO)

15. By what perverse irony did the representative of Menachem Begin accuse a national liberation movement of terrorism? Regardless of what certain individuals in Oslo thought of him, the name of Menachem Begin would be forever linked with the terrorist organization Irgun Zvai Leumi and its crimes - the massacre of Deir Yasin, which had claimed 450 innocent victims, the bombing of the King David Hotel in Jerusalem, all the murderous raids carried out by the Israeli armed forces against Arab towns, and the use of fragmentation bombs against the civilian population. In short, he was a common criminal who had sworn to annihilate the Palestinian people in order to achieve his mythological and demented dreams. The avalanche of lies contained in the documents in question would not succeed in concealing the racist nature of Israel or its criminal practices against the Arab population.

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16. The CHAIRMAN, replying to a question from the representative of Togo, said he hoped to have information shortly as to when the report of the Committee on Relations with the Host Country would be issued in all the working languages.

The meeting rose at 4.20 p.m.