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SUMMARY RECORD OF THE 59th MEETING

Chairman: Mr. GUNA-KASEM (Thailand)

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The meeting was called to order at 3.05 p.m.

AGENDA ITEM 108: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS THIRTY-FIRST SESSION (continued) (A/34/10 and Corr.1, A/34/194; A/C.6/34/L.2 and L.21)

1. Mr. BARBOZA (Argentina), introducing draft resolution A/C.6/34/L.21, said that, although the draft followed the general lines of previous resolutions on the item, it contained a new paragraph on the granting of equal status to members of the International Law Commission with members of the International Court of Justice during the Commission's sessions at Geneva as well as a paragraph expressing the wish that the Commission would continue to enhance its co-operation with legal organs of intergovernmental organizations. He noted that Australia and New Zealand had joined the list of sponsors of the draft resolution, which he hoped the Sixth Committee would adopt by consensus.

2. Mr. SHAIKHO (Bahrain) and Mr. GANA (Tunisia) said that their delegations had joined in sponsoring the draft resolution but were not listed in the document.

3. The CHAIRMAN confirmed that Bahrain and Tunisia were co-sponsors of the draft resolution and said that the error would be corrected.

AGENDA ITEM 115: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY (A/34/26; A/C.6/34/L.15)

4. Mr. MAVROMMATIS (Cyprus) introduced the report of the Committee on Relations with the Host Country (A/34/26). Section I was introductory, while section II indicated the Committee's membership, terms of reference and organization of work. Section III dealt with the gasoline shortage problem affecting the diplomatic community attached to the United Nations. Section IV was concerned with the security of missions and safety of their personnel; it summarized the contents of the communications received from the permanent missions of Cuba and the Union of Soviet Socialist Republics and the response of the representative of the host country. Section V dealt with consultations held pursuant to paragraph 7 of General Assembly resolution 33/95. Section VI was concerned with certain incidents, and the response of the representative of the host country to them and with the matter of finding new office accommodations for the Permanent Observer of the Palestine Liberation Organization. Lastly, section VII listed the recommendations adopted by the Committee. While the recommendations were virtually identical with those made in 1978, the recommendation concerning the security of missions and safety of their personnel noted some improvement in the situation as compared to the previous year.

5. Mr. PETROV (Union of Soviet Socialist Republics) said that, since the establishment of the Committee on Relations with the Host Country in 1971, his delegation had had to participate very actively in its work because of the large number of incidents of violence and other illegal acts perpetrated against missions and their personnel. In spite of repeated assurances from representatives of the host country that steps would be taken to ensure normal, secure working conditions

(Mr. Petrov, USSR)

for permanent missions, bomb explosions and provocative acts by unruly mobs in the vicinity of missions continued to occur. One of the reasons why that situation had not improved was that the authorities of the host country connived in the activities of various fascist groups which committed terrorist acts against missions. The host country was fully aware that such criminal acts would continue unless steps were taken against the organization concerned. In accordance with the relevant international conventions, particularly the Vienna Convention on Diplomatic Relations, States had a "special obligation" to take all necessary steps to prevent any disturbance of the peace of diplomatic missions and any unlawful acts against the person or dignity of the personnel of such missions. Permitting hostile mobs to assemble in front of missions was obviously contrary to the international obligations of the host country.

6. The detention of a Deputy Permanent Representative of the USSR to the United Nations by police authorities in the State of Georgia because of an alleged traffic violation demonstrated the strange attitude of the host country with regard to diplomatic immunity, which was the very basis of international diplomatic law. That was true not only of local police authorities who could plead ignorance of the law concerning foreign diplomats, but also of officials of the State Department. He stressed that such acts by the authorities of the host country were absolutely inadmissible and it was his hope that they would not be repeated.

7. His delegation noted that no progress had been made with regard to the problem of parking spaces for diplomatic vehicles. The number of such spaces was insufficient, and those which existed were often occupied by unauthorized vehicles. Although his delegation was aware of the traffic problem in New York, the number of parking spaces allotted to missions should at least meet their minimum requirements.

8. His delegation hoped that draft resolution A/C.6/34/L.15 would be adopted by consensus. He noted that paragraph 2 of the draft called for continuing the work of the Committee on Relations with the Host Country the following year on a more regular basis, since matters relating to the privileges and immunities of missions accredited to the United Nations and to the security of missions and safety of their personnel were of great importance to all Member States.

9. The CHAIRMAN said that the delegations of Canada, Costa Rica and Cyprus had joined the sponsors of draft resolution A/C.6/34/L.15. He pointed out that operative paragraph 1 of the draft contained an error: the reference should be to paragraph 42 of the report, not paragraph 11.

AGENDA ITEM 111: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SECRETARY-GENERAL (continued) (A/34/693; A/C.6/34/4 and Corr.1; A/C.6/34/L.18, L.19 and L.22)

10. Mr. EL-BANHAWI (Egypt) said that respect for the principles of international law constituted the foundation of international stability, peace and security and that the dissemination and wider appreciation of those principles were therefore of

(Mr. El-Banhawi, Egypt)

great importance to all peace-loving countries. He commended the efforts of the United Nations and of UNESCO, UNITAR and other specialized bodies in compiling the useful information and views contained in the Secretary-General's report (A/34/693).

11. As a developing country, Egypt was grateful to the States that had offered fellowships in international law at their institutes and wished to thank the countries and organizations that had provided financial assistance for the promotion of research in that field. In view of the fact that one of the principal functions of the United Nations was to promote the principles of international law in all spheres for the greater benefit of mankind, the Organization might consider publishing its own legal bulletin instead of relegating that important part of its work to a few pages in the UN Monthly Chronicle. He expressed appreciation for the commendable efforts being made to assist specialized institutes in the developing countries by providing them with the requisite legal publications, expertise and advice, and he commended the constructive work that was being done in the Geneva International Law Seminar.

12. Since the symposium on international trade law was important to the newly independent developing countries, he fully agreed that it was essential to overcome the financial difficulties confronting the symposium, as had been recommended in General Assembly resolution 32/145 (para. 15 of the Secretary-General's report). The United Nations-UNITAR Fellowship Programme (paras. 20-25 of the report) was also highly commendable for the comprehensive academic training that it was providing in international law. In that connexion, he thought that some countries, particularly those developed ones from which no fellows had been selected or which would like to send more than one fellow to the Programme, should be permitted to send fellows at their own expense in order to widen the scope of the Programme by ensuring representation for all the different legal systems. UNITAR had already organized a naumber of important regional courses which should be encouraged and continued, and Egypt welcomed the prospect of hosting the Regional Course on International Law in Africa which was scheduled to be held in Cairo in mid-April 1980.

13. Although assembling the travaux préparatoires of certain multilateral conventions would be of great assistance to researchers and specialists, it did give rise to questions concerning the role that the United Nations Office of Legal Affairs could play in that regard and concerning the feasibility of providing adequate resources for the systematic analysis and distribution of all international conventions. Co-operation between the Office of Legal Affairs and UNITAR would, however, enable such an analysis to be made.

14. Mr. SAEED (Pakistan) said that his delegation supported the Programme, which recognized the need for wider appreciation of the norms of international law and exposed the inherent contradictions between traditional international law, with its roots in the colonial era, and modern international law based on the juridical needs and realities of the contemporary world. It was to be hoped that the Programme would fuse those different concepts of the juridical order and bring about the recognition and application of a truly universal set of rules of

(Mr. Saeed, Pakistan)

international law. At the present time there existed conflicting rules of international law as well as different perceptions of those rules. He cited in that connexion the rules of jus cogens, whose very existence was questioned by many Western jurists even though they had been recognized in the Vienna Convention on the Law of Treaties, in the contemporary practice of States and in the work of the International Law Commission. In order to unify the different systems of international law, the Programme should give due representation to jurists from the various regions in its lectures and seminars. In that regard, his delegation took particular note of paragraph 90 of the report of the Secretary-General and expressed the hope that jurists from developing countries would be given a greater opportunity to participate in the Programme.

15. Although his delegation found draft resolution A/C.6/34/L.18 generally acceptable, it supported the amendment to that text proposed by the delegation of Tanzania (A/C.6/34/L.19), which stressed the need to secure representation of major legal systems and balance among various geographical regions. Referring to paragraph 1 (a) of the draft resolution, he called upon the developed countries to increase the number of fellowships to be made available to developing countries.

16. The CHAIRMAN recalled that it had been agreed at the 57th meeting that a decision should be taken on the item at the present meeting. The Committee had before it three proposals: draft resolution A/C.6/34/L.18, of which Afghanistan had now become a sponsor; an amendment to that draft submitted by the United Republic of Tanzania (A/C.6/34/L.19), and a subamendment to the Tanzanian amendment submitted by the United States (A/C.6/34/L.22). The names of the Member States appointed to the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law would have to be inserted in the blank space left for the purpose in operative paragraph 11 of the draft resolution. He would announce them when the consultations being held by the various regional groups in that connexion had been concluded. Since the announcement had to be made before the draft resolution could be referred to the General Assemby, he urged the regional groups to expedite their consultations.

17. He would put to the vote first the United States subamendment, then the Tanzanian amendment and, lastly, the draft resolution.

18. Mr. KATEKA (United Republic of Tanzania) said that the United States subamendment was unacceptable to his delegation. As far as the developing and socialist countries were concerned, the question was not one of securing lecturers of the highest standards of competence but of achieving equitable geographical distribution in the appointment of lecturers. The expression "highest standards of competence" was an insult, for it implied that those countries had no competent lawyers. They might be deficient in other ways, but there was certainly no dearth of legal skills.

19. Mr. ROSENSTOCK (United States of America) said it was a little strange that the United Republic of Tanzania, although a member of the Advisory Committee, was seeking to amend the latter's recommendations; that was hardly a spirit conducive to agreement.

(Mr. Rosenstock, United States)

20. His delegation had submitted its subamendment in the hope that the matter could be settled on the usual consensus basis. Never at any time had it thought that an indication of the importance of competence could be taken to imply that lawyers from the developing countries would be excluded. The United Nations Charter, when calling for persons of the highest competence, was not referring to persons from one region exclusively. In any event, the point was one which should have been raised in the Advisory Committee and not in an amendment submitted in the closing days of the General Assembly.

21. His delegation would maintain its subamendment because it believed that, if certain criteria for the appointment of lecturers were to be discussed, then all should be discussed. It seemed to his delegation that a discussion of those criteria in general terms, and on the bases established by the Charter, should have been unobjectionable.

22. Mr. VERWEY (Netherlands), speaking in explanation of vote before the vote, said that, while his delegation considered that the complaint which had prompted the Tanzanian amendment was perhaps justified, it could not agree with the way in which the amendment was worded. As a sponsor of draft resolution A/C.6/34/L.18, it had submitted a suggestion to the Tanzanian representative which was designed to reconcile the latter's views with those reflected in the United States subamendment. The Tanzanian representative had, however, preferred to retain his amendment as it stood. In the circumstances, the Netherlands delegation would be obliged to abstain in the vote on that amendment. It trusted that the draft resolution as a whole would nevertheless be adopted by consensus.

23. Mr. OUEDRAOGO (Upper Volta) said that, as he read the United States subamendment, the effect would be to replace the notions of representation of the main legal systems and of balance among geographical regions by the notion of high standards of competence. Since those notions were not mutually exclusive, he was unable to accept the United States subamendment.

24. Mr. PIRIS (France) said that, unlike the previous speaker, he understood the United States subamendment to call for retaining the reference to representation of the various legal systems, and on that understanding, he had been prepared to vote in favour of the subamendment. He would be grateful if that point could be clarified.

25. He endorsed the spirit in which the Tanzanian amendment had been submitted and agreed as to the need to achieve a balance between the different legal systems throughout the world. Indeed, it was partly because it wished to be able to defend that idea that France was eager to be a member of the Advisory Committee. He would therefore not vote against the amendment. There was, however, a slight contradiction in the amendment in that it included a reference to the regional courses organized by UNITAR at a time when it had been generally recognized that those courses had given rise to no problems, at least in the previous 12 months. Bearing in mind the great service which UNITAR rendered to the United Nations and to the international community, such criticism did not seem to be entirely justified. In the circumstances, his delegation would be unable to vote in favour of the Tanzanian amendment.

26. Mr. VALLARTA (Mexico) said that his delegation, which was a sponsor of draft resolution A/C.6/34/L.18, had no difficulty in accepting the Tanzanian amendment. Lecturers at seminars had always been of a high academic standard, and it was useful to draw attention to the need for representation of the various legal systems and for a geographical balance. His delegation would vote for the Tanzanian amendment and against the United States subamendment.

27. Mr. ANOMA (Ivory Coast) said that, in his opinion, it was unnecessary to specify that lecurers should be of the highest standards of competence, since it was very unlikely that a highly respected organ of the United Nations like UNITAR would call upon second-rate people and the very nature of the seminars imposed an obligation to appoint lecturers, who met the highest standards. The word "lecturers", as used in the Tanzanian amendment, therefore meant people who had all the necessary qualifications. It was, however, essential to ensure that the major legal systems of the world were represented and that a balance among various geographical regions was secured. For those reasons, his delegation would vote in favour of the Tanzanian amendment.

28. Mr. ROSENSTOCK (United States of America) said that, as it was apparent that there was no desire to challenge the importance of competence and although his delegation could not agree that there was any inconsistency between competence and geographical balance, it would not insist that its subamendment be put to the vote. It would, however, vote against the Tanzanian amendment. When the time came to vote on draft resolution A/C.6/34/L.18, it would not emulate those who persisted in breaking a consensus for no apparent reason and it trusted that the same degree of forbearance would be displayed by others, so that texts could be adopted by consensus even if they were not ideally drafted.

29. Ms. MALIK (India) said that there was no question about the competence of the lecturers appointed for seminars. It was, however, necessary, in view of the evolution of international law in recent years and the different ways in which it was interpreted, to take account of the various legal systems throughout the world. For that reason, her delegation would vote in favour of the Tanzanian amendment.

30. The CHAIRMAN, noting that the United States subamendment (A/C.6/34/L.22) had been withdrawn, put to the vote the amendment submitted by the United Republic of Tanzania (A/C.6/34/L.19) to draft resolution A/C.6/34/L.18.

31. The amendment was adopted by 101 votes to 1, with 13 abstentions.

32. Mr. PIRIS (France) suggested that draft resolution A/C.6/34/L.18, as amended, should be adopted by consensus.

33. Mr. VERWEY (Netherlands) endorsed that suggestion.

34. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to adopt draft resolution A/C.6/34/L.18, as amended, by consensus.

35. It was so decided.

AGENDA ITEM 112: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS, AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES: REPORT OF THE AD HOC COMMITTEE ON INTERNATIONAL TERRORISM (continued) (A/34/37, A/34/387, 403, 429, 435 and 498; A/C.6/34/L.20)

36. Mr. AL-KHASAWNEH (Jordan) proposed two amendments to draft resolution A/C.6/34/L.20. In the first line of paragraph 8, the words "to become" should be replaced by the words "to consider becoming". Becoming a party to an international convention was a complicated process, and, although the General Assembly could express the wish that States should do so, the final decision should be left to States. At the end of paragraph 9, the words "one's own territory" should be replaced by the words "their territories", which his delegation had been given to understand was better usage.

37. Mr. WINKLER (Austria) proposed that in paragraph 14 (b) the words "as appropriate" should be inserted after the words "to follow up". There were technical and formal reasons why it would be impossible for the Secretary-General to follow up the implementation of all of the recommendations.

38. Mr. KATEKA (United Republic of Tanzania), speaking on behalf of the sponsors, said that they had no difficulties with the three amendments just read out.

39. Mr. ROSENSTOCK (United States of America), speaking in explanation of vote before the vote, said that the draft resolution raised questions regarding the efficacy of the working methods of the United Nations. After the extensive negotiations held in 1979, the Ad Hoc Committee on International Terrorism had arrived at a consensus on its report, and paragraph 118 thereof contained a balanced list of recommendations. His delegation felt that it was a breach of good faith for States members of a Committee to participate in the elaboration of a consensus and then decline to adhere to the balance that had been struck. He was directing his remarks specifically to the delegations of Algeria, Guinea, India, the United Republic of Tanzania, Venezuela, Yugoslavia, Zaire and Zambia.

40. If States were to make a practice of going back on agreements that had been reached in small committees, the Main Committees could not be expected to reach agreement. It would then be necessary to refer most matters to the plenary General Assembly, which would be even less effective in reaching agreement on important issues.

41. Although his delegation welcomed many of the provisions of the draft resolution, especially those of paragraph 3, it doubted the relevance of the fifth preambular paragraph. The right to self-determination should be advocated for all peoples, not just those deprived of their rights for particular reasons. Paragraph 4 raised questions which were outside the competence of the Ad Hoc Committee and were not covered by the agenda item. Furthermore, it was wrong to single out colonial, racist and alien régimes while ignoring other régimes throughout the world whose repressive acts caused at least as much suffering.

(Mr. Rosenstock, United States)

42. The right to self-determination was important, but it was not the only human right for which men had fought. His delegation could not support the draft resolution because of its selective nature. It regretted that changes made in the Ad Hoc Committee's recommendations would force it to abstain in the vote.

43. Draft resolution A/C.6/34/L.20, as amended, was adopted by 96 votes to 1, with 20 abstentions.*

44. Mr. KIRSCH (Canada) said his delegation deeply regretted the fact that draft resolution A/C.6/34/L.20 had not been adopted by consensus. A basis for agreement had obviously existed and it was regrettable that some delegations had insisted on injecting specific ideas which had prevented a consensus. His delegation welcomed the unequivocal condemnation in paragraph 3 of all acts of international terrorism which endangered or took human lives or jeopardized fundamental freedoms. It also welcomed paragraphs 7-12, which it hoped would lead to greater co-operation among States in combating international terrorism.

45. Although his delegation supported the right to self-determination and independence, it felt that the fifth preambular paragraph was superfluous. All acts of terrorism were deserving of condemnation, whatever their circumstances or motivation, and the paragraph in question was obviously not to be construed as justifying such acts in the particular situations described. With regard to paragraph 4, which was the main reason for his delegation's reservations, he said that repressive and terrorist acts were not committed exclusively by the régimes specified in the paragraph. It was unfortunate that the sponsors had chosen to employ simplistic formulas in that manner.

46. His delegation supported paragraph 6 urging States to contribute to the progressive elimination of the causes underlying international terrorism, it being understood that that support in no way implied acceptance by his delegation of certain restrictive descriptions of those causes, which, like the phenomenon of international terrorism itself, were extremely complex. His delegation had some reservations regarding paragraph 13; although the General Assembly and the Security Council could certainly deal with the situations mentioned therein in so far as they threatened peace or international security, the reference to Chapter VII of the Charter seemed out of place.

47. Mr. GAWLEY (Ireland), speaking on behalf of the States members of the European Community, said they had hoped that the Committee would adopt the draft resolution by consensus on the basis of the recommendations contained in paragraph 118 of the report of the Ad Hoc Committee. The States members of the Community viewed the adoption of measures to prevent international terrorism as a matter of primary importance and had just signed in Dublin a convention on the suppression of

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* The delegation of the United Arab Emirates later informed the Secretariat that, had it been present during the voting, it would have voted in favour of draft resolution A/C.6/34/L.20.

(Mr. Gawley, Ireland)

terrorism. They had abstained in the vote on the draft resolution because of the extraneous matters introduced in the fifth preambular paragraph and in operative paragraphs 4 and 13.

48. Mr. ROSENNE (Israel) said that distortion had been introduced into the discussion of the present item from the very outset and his delegation had for that reason voted against General Assembly resolution 32/147. It would have difficulty accepting any blanket endorsement of the study of the underlying causes of terrorism contained in the report of the Ad Hoc Committee (A/34/37).

49. His delegation felt that draft resolution A/C.6/34/L.20 deviated unnecessarily from paragraph 118 of the report. The fifth preambular paragraph and operative paragraph 4 might appear to contradict other provisions, while the objections to which operative paragraph 5 gave rise had been indicated by many delegations during the debate. His delegation could not support paragraph 15 because it was unclear which item was being proposed for inclusion in the provisional agenda of the thirty-sixth session.

50. Mr. ALMODÓVAR y SALAS (Cuba) said that his delegation had voted in favour of draft resolution A/C.6/34/L.20 on the understanding that the term "international terrorism" did not include the actions of national liberation movements. With regard to paragraph 7, his Government totally condemned acts of international terrorism and violence in accordance with its national legislation and policies. His country's experience had shown that the conclusion of bilateral treaties was the most effective means of combating the problems mentioned in paragraph 8, even though other methods existed such as multilateral agreements and national legislation. With regard to paragraph 11, he noted that article 13 of his country's Constitution affirmed that asylum would be granted to individuals persecuted for their participation in national liberation struggles and in struggles against all forms of oppression and discrimination.

51. Mr. VALLARTA (Mexico) said that, in keeping with the spirit of harmony which had traditionally prevailed in the Sixth Committee, his delegation had not requested separate votes on certain paragraphs of the draft resolution with which it was not in agreement. If separate votes had been taken, his delegation would have abstained on operative paragraphs 10, 11 and 12. Terrorism was still a problem that must be combated by each State in its own territory and on the basis of its internal legislation, and his delegation therefore had reservations regarding the suitability of elaborating international criteria to define the concept of terrorism. To do so might adversely affect treaties on extradition or asylum already in force as well as the relevant activities of specialized agencies or regional organizations. It might also lead to the conclusion of generalized conventions on international terrorism whose efficacy, in his delegation's view, would be doubtful. In addition, the paragraphs in question went beyond the recommendations of the Ad Hoc Committee referred to in paragraph 2 of the draft resolution.

52. Mr. KOROMA (Sierra Leone) said that his delegation had been obliged to abstain in the vote since it could not accept the idea that the struggle of liberation movements should be regarded as a form of terrorism. His delegation believed that the item should no longer be included in the General Assembly's agenda.

53. Mr. DANELIUS (Sweden) said that, while his delegation was generally in favour of draft resolution A/C.6/34/L.20 and felt that it contained a number of positive elements, he wished to express reservations concerning certain specific points.

54. The fifth preambular paragraph, which referred in general terms to "the relevant resolutions of the organs of the United Nations", should in no way be interpreted as permitting terrorist activities in certain specific situations. His Government generally supported the struggle of the national liberation movements, but it had not been able to support certain United Nations resolutions because they had contained provisions endorsing armed struggle. His delegation's affirmative vote on the draft resolution did not imply any change in its position on that question.

55. With regard to operative paragraph 4, his delegation would have preferred a wording that covered repressive acts by régimes of every type, and the paragraph must not be read a contrario so as to exclude other repressive régimes from a similar condemnation.

56. Mr. WATANABE (Japan) said that his delegation had abstained in the vote on draft resolution A/C.6/34/L.20. Japan had always condemned all acts of international terrorism, regardless of what motivated them, and it believed that further international efforts should be undertaken without delay to formulate concrete, effective measures for preventing and punishing such acts.

57. The draft resolution contained many positive elements in comparison with resolution 32/147 on the same subject, which his delegation had voted against. Its provisions were largely based on the recommendations contained in paragraph 118 of the report of the Ad Hoc Committee, which were the product of serious, intensive consultations. As a whole, however, the draft resolution was not well balanced, and some of its provisions, including those of operative paragraph 4, were unacceptable to his delegation. Japan would have joined in a consensus if the consultations aimed at producing a generally acceptable compromise text had proved successful, and it hoped that a spirit of compromise and accommodation in the formulation of draft resolutions would prevail in the future deliberations of the Sixth Committee.

58. Mr. AL-KHASAWNEH (Jordan) said that his delegation had been obliged to abstain in the vote on draft resolution A/C.6/34/L.20 for a number of reasons. It had reservations regarding paragraph 11, which called for treaties on the subject to provide for extradition or prosecution, because it was opposed to prejudging the structure of such treaties. It also had difficulties with regard to operative paragraphs 1 and 2 and the fifth preambular paragraph. Although it supported the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination, it would, as a matter of principle, have favoured a wider interpretation of that right.

59. Mr. WINKLER (Austria) said that his delegation had voted in favour of draft resolution A/C.6/34/L.20 in spite of the problems it had with the text. It welcomed many of the provisions and was grateful that the recommendations of the Ad Hoc Committee had been incorporated into the text.

60. His delegation had difficulty with the fifth preambular paragraph. Even though Austria had always supported the right to self-determination and independence of peoples, his delegation felt that the paragraph was unnecessary but that, since it was included in the draft, it should be interpreted in a broad sense and not as applying exclusively to peoples under colonial and racist régimes and other forms of alien domination. In that connexion, his delegation wished to associate itself with the interpretation made by Sweden of the phrase "legitimacy of their struggle". Like Sweden, it had disagreed with many of the General Assembly resolutions on the subject and accordingly could not support the reference to those resolutions in the fifth preambular paragraph. Operative paragraph 4 was worded in too restrictive a manner and his delegation interpreted it as applying to all repressive and terrorist acts that denied peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms.

61. Mr. GÜNEY (Turkey) said that, although some of the provisions of draft resolution A/C.6/34/L.20 represented an improvement over other resolutions adopted on the subject, the draft postponed indefinitely any action to deal with the problem. Accordingly, his delegation, which was strongly in favour of effective measures to eliminate international terrorism, had abstained in the vote.

62. Mr. DEMBELE (Mali) said that his delegation had voted in favour of the draft resolution but regretted the fact that the provisions of the fifth preambular paragraph had not been included in the operative part of the text. It wished to state that, in its opinion, operative paragraph 3 did not apply to national liberation movements.

AGENDA ITEM 119: CONSOLIDATION AND PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL ECONOMIC LAW RELATING IN PARTICULAR TO THE LEGAL ASPECTS OF THE NEW INTERNATIONAL ECONOMIC ORDER (continued) (A/31/172; A/C.6/34/L.7, L.17)

63. Mr. VELASCO (Colombia) said that, in taking up the item on the consolidation and progressive development of the principles and norms of international economic law, the United Nations would be acting in accordance with the principles upon which it had been founded. The item was a difficult one because of the fact that the legal order envisaged would be very new, because of the implications of the new international economic order and, from a practical standpoint, because of the surreptitious opposition of States which had already established their own legal order and achieved development and now perhaps could not find a logical way to link that development with the aspirations of the peoples of the third world. The move to establish a legal order for international economic development would ultimately prevail, however, particularly because of increasing pressure from the developing countries as they strove to achieve a minimum level of well-being.

(Mr. Velasco, Colombia)

64. International economic law was a subject which had not yet been dealt with in depth. His delegation therefore wished to congratulate the delegation of the Philippines for its foresight in submitting the working paper contained in document A/C.6/34/L.7. The new international economic order, which was being discussed in other United Nations forums, must provide a real basis for change in the relationships between States, particularly between the wealthy and the developing nations. Thus, it was essential to continue to press for the creation of the new order and, simultaneously, to establish legal rules to govern it. World peace and political stability could only be achieved to the extent that a new international economic order was achieved.

65. Law could only be based on concepts of equality and freedom and the question was whether equality and freedom existed in the international community. Could there be equality between a State with an economy of abundance and another with an economy scarcity? Could a former colony speak of freedom when it could only sell its raw materials to one purchaser or when technology had become a privilege of the developed countries? The answers to those questions showed that the world was still governed by the rules of the old international economic order, which was based on dependence and colonialism. The world community must work to build an economic infrastructure based on general well-being in order to combat sophisticated forms of colonialism, and the United Nations provided an excellent forum for constructive discussion of that problem. The call for a new international economic order had created an awareness of another inalienable right of States, namely the right to development, which should be specifically formulated as a principle of international economic law.

66. His delegation also wished to stress that, while international economic law would result from the establishment of a new international economic order, it must not be forgotten that in many States Members of the United Nations there was also a need to establish a new national economic order with a view to ensuring the well-being of their peoples. His delegation would consider favourably any proposal that promoted study of the fundamental problems relating to the consolidation and progressive development of the principles and norms of international economic law.

67. Mrs. BORGES (Uruguay) congratulated the Philippine delegation for the valuable contribution it had made by submitting the working paper contained in document A/C.6/34/L.7. In his statement in the General Assembly at the current session, the Minister for Foreign Affairs of Uruguay had stressed the need to consolidate and strengthen the international legal order in the light of the population explosion and the technological revolution which had taken place in modern times and had expressed the view that the necessary adjustments could only be achieved through the establishment of a new international economic order. International law must be adapted to present-day circumstances so that States with different levels of development and different economic systems would be able to co-ordinate their activities.

68. The need for international economic law to govern economic relations between States was apparent from Article 1, paragraph 3, of the Charter, which stated that one of the purposes of the United Nations was to achieve international co-operation

(Mrs. Borges, Uruguay)

in solving international problems of an economic character. The principles and norms of international law must therefore be gradually brought into line with current needs in order to provide for the establishment of a legal structure for the new international economic order. It must be borne in mind that the law must not only keep in step with the times but must sometimes anticipate events. Hence, adjustment to the new circumstances of the international community would be only a stage in the development of law and not a final goal.

69. Mr. EL-BANHAWI (Egypt) said that the role to be played by Member States was not brought out in either of the operative paragraphs of draft resolution A/C.6/34/L.17; it was essential to obtain the views of Member States on such an important topic. He also felt that the last part of paragraph 1, which referred to the possible drafting of an international convention or other appropriate instrument, could be regarded as prejudging the examination of a question which was still under study and on which no clear conclusion could yet be drawn. His delegation therefore proposed that the operative part of the draft resolution should read as follows:

> "1. Requests Member States to submit to the Secretary-General, as early as possible, their views on the legal aspects concerning the principles and norms of international economic law relating in particular to the legal aspects of the new international economic order;
>
> "2. Requests the Secretary-General to study the question, taking into consideration the views and ideas presented by Member States;
>
> "3. Requests further the Secretary-General to submit at its thirty-fifth session a preliminary report on his study under the item entitled 'Consolidation and progressive development of the principles and norms of international economic law relating in particular to the legal aspects of the new international economic order'."

70. Mr. VERCELES (Philippines) said that he appreciated the spirit in which the Egyptian representative had submitted his amendment. He wished to inform the Committee that his delegation had submitted a revised version of draft resolution A/C.6/34/L.17 which took into account the essence of the Egyptian amendment as well as the views of other delegations with which his delegation had held informal consultations, particularly those of the Group of 77. The revised draft would appear as document A/C.6/34/L.17/Rev.1.

71. Mr. EL-BANHAWI (Egypt) said that he would not circulate his amendment until his delegation had an opportunity to study the revised draft resolution.

72. The CHAIRMAN suggested that the representatives of the Philippines and Egypt should hold informal consultations. In the meantime, it might be wise to postpone discussion of the item until the revised draft resolution was available.

73. Mr. KOROMA (Sierra Leone) commended the Philippine delegation for its initiative in introducing the item now before the Committee. One of the main consequences of the attainment of independence by new States was that it enabled them to become active rather than passive participants in international economic relations. That did not, however, ensure them an adequate and equitable return for their products and their labour, since the international division of labour continued to be weighted against them. In order to remedy that injustice, the third world countries had called for the sixth and seventh special sessions of the General Assembly with a view to working out guidelines that would regulate present-day international economic relations and enable developing countries to have a reasonable degree of control over their resources and their national economies.

74. The Philippine delegation had drawn up an impressive agenda of questions which in its opinion were ripe for codification and progressive development. Among them were permanent sovereignty of peoples over their natural resources, preferential and non-reciprocal treatment of the interests of the developing countries in international trade, and interdependence and co-operation in global economic and social relations and in the field of science and technology. In all those areas, customary international law had played a significant and, on occasion, a dynamic role in giving normative effect to equitable principles governing international trade and the international division of labour.

75. Another area which his delegation considered ripe for study was that of economic assistance to the developing countries - a matter of the first importance in creating conditions of justice and of positive peace, not merely the absence of war. The United Nations Charter, in Chapters IX and X, recognized the urgent need to deal with economic and social problems, and certain of its provisions created obligations for Governments in that regard. Some eminent international jurists had taken the position that Member States had a collective duty to take responsible action to create reasonable living standards for their own peoples and for those of other States.

76. Yet another area of international economic relations which was ripe for study was that of restrictive practices. There was a need for a well-developed anti-trust law at the international level; such a law now existed only at the regional level. Also of importance was the question of resource distribution in the outer limits of the territorial sea and in unexplored regions of the world, such as the Antarctic.

77. There must be a system of law that would regulate those relationships and lead to the uplifting of man. Instead of being exclusively preoccupied with peace in a purely negative sense, international law should concern itself with improving the lives of the people of the world. It was in that context that his delegation wished to congratulate the delegation of the Philippines for the initiative it had taken in introducing the item.

78. Mr. ROSENSTOCK (United States of America) said that, in consultations to be held on the draft resolution now before the Committee, the usefulness of consensus should be borne in mind. The experience of the United Nations Commission on

(Mr. Rosenstock, United States)

International Trade Law had shown that it was possible to move ahead on economic questions on the basis of consensus. If consensus was not possible in the present instance, he wondered whether it was necessary to attempt to reach a decision on the item at the current session.

AGENDA ITEM 113: 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/34/39; A/C.6/34/L.12 and Corr.4)

79. Mr. VIÑAL (Spain) said that he was tempted, in speaking of the draft international convention against the taking of hostages, to quote a well-known European politician who, when asked what value he saw in a convention which his country had just signed, had replied that it was worth more for what it did not say than for what it did say. In the first place, as his delegation had stressed in the general debate, the draft convention did not provide for the regulation of certain important legal questions, such as conflicting requests for extradition, the principles of "speciality" and non bis in idem, and statutory limitation in respect of the offence and the sentence. In the second place, the draft convention, both in its form and in its substance, was too timid in condemning or prohibiting the crime of hostage-taking. The latter, as a manifestation of terrorism, was one of the most heinous and brutal violations of human rights. Society, both domestically and internationally, should generate its own defence mechanisms against that crime by condemning or prohibiting it unequivocally. The condemnation or prohibition proposed in the draft convention could imply a weakening of the corresponding provision to be found in the common article 3 of the 1949 Geneva Conventions and in article 75 of the first Additional Protocol to those Conventions, which categorically provided that acts of hostage-taking were prohibited at all times and in all places. While it was true that the sphere of application of the Geneva Conventions and the Protocol was different from that of the draft convention against the taking of hostages, the seriousness of the crime in question remained the same. In the third place, his delegation wished to reiterate its reservations regarding draft article 12 (A/C.6/34/L.12), which, by referring to another instrument, recognized a certain type of armed conflict.

80. His delegation was aware of the problems which the Ad Hoc Committee had faced throughout its preparation of the draft convention and of the need to resort to the procedure of consensus in order to solve those problems. Subject to the reservations he had just mentioned, his delegation took the view that the draft, while not ideal, was nevertheless the only text which could realistically be achieved.

81. In conclusion, he wished to place on record his delegation's appreciation for the quiet, dedicated efforts made by the members of the delegation of the Federal Republic of Germany in connexion with the preparation of the draft convention.

The meeting rose at 5.55 p.m.