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at 3 p.m.
New York

SUMMARY RECORD OF THE 62nd MEETING

Chairman: Mr. GUNA-KASEM (Thailand)

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UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SECRETARY-GENERAL (continued)

COMPLETION OF THE COMMITTEE'S WORK

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The meeting was called to order at 3.10 p.m.

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.1 (Russian only), Corr.2 (Arabic only), Corr.3 (Chinese only), Corr.4 (English only), Corr.5 (French only), Corr.6 (Russian only), Corr.7 (Spanish only), L.14, L.23 and Add.1 and Add.1/Corr.1 (Arabic only))

1. Mr. SAEED (Pakistan) said that the draft International Convention against the Taking of Hostages (A/C.6/34/L.23/Add.1), though far from perfect, was the outcome of the compromise reached within the Ad Hoc Committee, which had endeavoured to accommodate the views of delegations in so far as possible. His delegation, which had stressed the need for a suitable preamble, was particularly qualified to note that the third preambular paragraph did not limit the principle of equal rights and self-determination of peoples to specific cases and that the fourth preambular paragraph placed articles 1 and 12 in their proper perspective.
2. Referring to specific articles in the body of the draft Convention, he said his delegation could accept the expression "participates as an accomplice", in article 1, paragraph 2 (b), on the understanding that it was taken to refer to a principal, an accessory or an aider and abetter in the crime. It did not, however, think that it should cover conspiracy.
3. Two of the most important provisions in the draft Convention were embodied in articles 8 and 9, which were complementary and should therefore, where possible, be considered together. Those two articles struck the necessary balance between the requirement that, in every case, the hostage-taker should be either prosecuted or extradited and the requirement that a request for extradition should not be granted if it was made for the purposes stated in article 9, paragraph 1 (a). Article 9, which qualified the obligation to extradite as laid down in article 8, was particularly important and merited general acceptance.
4. The effect of the opening clause of article 12, about which his delegation had already voiced its reservations, would be to preclude the applicability of the Convention only in cases where the Geneva Conventions or the Additional Protocols thereto were in fact applicable to a particular act of hostage-taking. That would enable colonial or occupying Powers which did not recognize the movements of people claiming the right to self-determination to allege, in such cases, that the act of hostage-taking, even if committed in reaction to repressive measures, fell outside the terms of the Convention and that the offender was therefore liable to extradition. His delegation was, however, prepared to accept article 12 on the understanding, first, that, in cases involving a movement for self-determination, no State, or colonial or occupying Power, could invoke the Convention if, by its own actions, it had precluded the application of the Geneva Conventions and the Additional Protocols thereto and, secondly, that it would be for the State holding the offender to determine, in the first instance, whether those instruments were applicable.

(Mr. Saeed, Pakistan)

5. His delegation welcomed the inclusion of article 14 and was prepared to accept article 15 on the understanding that the Convention would not affect the general right of territorial asylum of States.

6. Lastly, his delegation was prepared to vote in favour of the draft Convention but trusted that it could be adopted by consensus.

7. Mr. AL-KHASAWNEH (Jordan) said that the draft Convention struck a fair balance between the different interests of States and the legal, humanitarian and political considerations involved. His delegation therefore trusted that it would be adopted by consensus, although it considered that it would have made a greater contribution to the codification and progressive development of international law had it embodied provisions for a system of priority of jurisdiction and also for a system of priority in cases where a State received more than one request for extradition. His delegation's suggestions in that regard had been withdrawn on the understanding that article 9 would meet some of its concerns.

8. His delegation further considered that certain provisions in the draft Convention would have been better omitted. In particular, it had reservations about the inclusion in article 5, paragraph 1 (b), of the so-called "passive nationality principle", since the basis on which jurisdiction would be established was not universally recognized and an alleged offender could be exposed to a number of jurisdictions. Moreover, it made an assumption of bad faith, namely, that States exercising primary jurisdiction would not fulfil their obligations. The same remarks applied to the "protective principle", in article 5, paragraph 1 (c). His delegation was also not entirely happy with article 10, which bound States in their bilateral relations, both past and future. It was, however, prepared to accept those articles if agreement were reached on all the other articles in the draft Convention.

9. The extent to which all those involved in drafting the Convention had made compromises was exemplified by article 9, the terms of which had initially been suggested by his delegation. That article had been reworded to include a new paragraph 2 and to incorporate changes with a view to ensuring that its operation did not go beyond the scope of the Convention, although in certain cases, it would, of course, be for the courts concerned to determine whether the Convention in fact applied. His delegation would, however, be unable to accept article 9 if its application fell short of the scope of the Convention. In practice, neither that article nor the Convention as a whole would have any effect if a State did not wish to extradite an alleged offender, since extradition was not determined by legal considerations alone. Even if it were, the law on extradition was sufficiently flexible to provide a State with reasons for not granting extradition. If, on the other hand, a State wished to abdicate from its responsibility to prosecute by granting extradition, article 9 would impose an obligation on it not to do so.

10. His delegation, which had always stressed that articles 8 and 9 should be considered together, would be unable to accept the principle "extradite or

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(Mr. Al-Khasawneh, Jordan)

prosecute" unless safeguards were introduced. In its view, the inclusion of that principle in other Conventions was arbitrary and did not provide a convincing precedent. The mandate of the Ad Hoc Committee, which had intentionally omitted any reference to the principle, was to draft a legal convention against hostage-taking, not to devise a system for an international manhunt. At the same time, his delegation recognized that the best way of making the Convention effective would be to deny the hostage-taker a safe haven. It was therefore prepared to accept the principle on the understanding that it was made quite clear that the obligation being assumed was not a general one to extradite or prosecute but was qualified by article 9, under which a State could in certain circumstances opt for prosecution rather than extradition. That was borne out by both logic and common sense. Consequently, his delegation considered that any decision to put article 9 to a separate vote would be unjustified but, in the interests of securing the adoption of the draft Convention by consensus, it would not contest such a decision.

11. Lastly, he expressed his delegation's appreciation to all those who had taken part in the drafting of the Convention and, in particular, to the Vice-Chairman of the Ad Hoc Committee.

12. Mr. ROSENSTOCK (United States of America) agreed that the main object of the draft Convention was to stipulate that there should be no safe haven for the hostage-taker. The taking of hostages was a matter of the gravest concern and any person committing such an offence should be handed over to the competent authorities for prosecution or extradited, pursuant to article 8 of the draft Convention or to the relevant provisions of the Geneva Conventions and the Additional Protocols thereto.

13. His delegation would comment on the question of reservations by States at the appropriate time and within the context of ratification and, so far as the application and interpretation of the Convention were concerned, would look to the procedure laid down in article 16. It trusted that the 22 States required to ratify the Convention would do so, so that it could come into force as soon as possible.

14. The CHAIRMAN, referring to article 17, paragraph 1, of the draft Convention (A/C.6/34/L.23/Add.1), suggested that the Committee should follow the normal practice and insert in the blank space left for the purpose the date of 31 December 1980.

15. It was so decided.

16. The CHAIRMAN invited explanations of vote before the vote was taken on draft resolution A/C.6/34/L.23 and the annex thereto (A/C.6/34/L.23/Add.1).

17. Mr. CORDOVA (Ecuador) said that his country, prompted by the need to achieve concerted determination on the part of the international community to prevent the crime of hostage-taking and to safeguard the life, liberty and integrity of hostages, had from the outset supported the resolutions adopted by the General

(Mr. Cordova, Ecuador)

Assembly in the matter. At the same time, it had stressed that the international instruments adopted in that connexion should not violate the right of peoples to self-determination, as enshrined in the United Nations Charter.

18. The draft Convention was particularly timely in the light of current events and his delegation would vote in favour of it, or join in a consensus, in the hope that it would serve as an effective instrument in the fight against a scourge which posed a constant threat to peaceful coexistence. It could not, however, agree to article 15, which limited the right of asylum. That right, which was part of his country's tradition and of the legal heritage of Latin America, was based on respect for the dignity of man. Designed to protect solely those persecuted on political grounds, it dated back to antiquity when people had sought haven in temples; more recently, they had done so in other holy places, such as monasteries, the sanctity of whose precincts had been respected by the authorities. In certain cases, artists who had taken refuge had left outstanding works of art there for those whose liberal political ideas had paved the way for the independence of Latin American peoples. At the international level, the concept of asylum had developed simultaneously with that of the inviolability of diplomatic missions, whose special status had been recognized as far back as 1815 by the Congress of Vienna. Since then, diplomatic rights and immunities had been codified in the 1961 Vienna Convention on Diplomatic Relations.

19. It was primarily on the basis of the universally recognized inviolability of diplomatic missions that the right of asylum had acquired its special legal significance in Latin America, and the adoption in that connexion of a number of Inter-American treaties, whose influence were universal, was the most authentic expression of that right. Ecuador was a party to those treaties and had also embodied the right of asylum in its Constitution. Consequently, no rule which undermined that right would have his delegation's support.

20. The basic feature of his country's doctrine and practice in that regard was that, for those persecuted on political grounds, the right of asylum extended to diplomatic missions or offices, the residences of heads of mission and places set aside by missions for persons to take refuge, and also to warships, army camps and military aircraft. Territorial asylum, on the other hand, applied when persons persecuted on political grounds entered the territorial jurisdiction of another State which, as from that moment, owed them protection. It followed that it was for the State of asylum to determine the nature of the offence and the reasons for the persecution, and to assure, as Latin American countries always did, that the territorial State complied with the terms of the relevant Conventions.

21. For those reasons, his delegation wished to enter a reservation to article 15 which it considered should have been drafted in stronger terms.

22. Mr. AYALA (Venezuela) said that the draft Convention was in general well formulated and well conceived. Article 15, however, though a considerable improvement on the original drafting, was still not satisfactory to his delegation. As worded, it failed to take account of the international practice that had developed in regard to asylum; it recognized the validity only of those treaties

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(Mr. Ayala, Venezuela)

on asylum in force at the date of the adoption of the Convention; and it provided that such treaties could only be invoked against a party to them.

23. Venezuela, which was a party to inter-American Conventions on the right of asylum, had consistently upheld that right and, on many occasions, had granted asylum to persons persecuted on political grounds. The right of asylum was, moreover, embodied in its Constitution. It was a right dear to the tradition of Latin America and one which his country was particularly anxious to see respected. In view of the international community's desire to take effective measures without delay in regard to such matters as the taking of hostages, however, his delegation would not stand in the way of a consensus on draft resolution A/C.6/34/L.23 and the annex thereto (A/C.6/34/L.23/Add.1) and would therefore vote in favour of it.

24. Mr. CHOUAKI (Algeria) said that, while his delegation would join in the consensus on the draft Convention, it wished to point out that it interpreted article 12 as excluding acts of hostage-taking by national liberation movements committed in the course of armed conflicts as defined in the Geneva Conventions of 1949 and the Additional Protocols thereto, in which peoples were fighting against colonialism, alien occupation and racist régimes in the exercise of their right to self-determination.

25. It also wished to enter a formal reservation to article 15, since, as worded, it imposed limitations on the right of asylum that were incompatible with the nature and scope of that right under the international legal order.

26. Mr. KOTEVSKI (Yugoslavia) said that the successful outcome of the work on the draft Convention was due primarily to the constructive approach displayed by all members of the Ad Hoc Committee and the Working Group, in which connexion the role played by the non-aligned and the developing countries deserved special mention.

27. His delegation would vote in favour of the draft Convention, or join in a consensus on it, and trusted that it would be universally accepted. It was not only of legal but also of political and humanitarian significance and, on the whole, reflected the various political interests. Despite some unavoidable short-comings, the main objective, to prevent the taking of hostages, had not been blurred.

28. The draft Convention rightly stipulated that there could be no right to take hostages, which was a prerequisite for the prevention and punishment of such acts and, in general, for the successful implementation of its terms. It was, however, important to exclude acts of hostage-taking committed in the course of armed conflicts, as defined in the 1949 Geneva Conventions and the Additional Protocols thereto, including those mentioned in article 1, paragraph 4, of Additional Protocol I of 1977. That was in accordance with the position adopted by the General Assembly and various international conferences, namely, that the struggle of liberation movements, which was covered by the Geneva Conventions and the Additional Protocols thereto, was legitimate and was not to be confused with terrorist and criminal activities. His delegation therefore agreed with the representative of Pakistan regarding the scope of article 12.

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(Mr. Kotevski, Yugoslavia)

29. The express provision to the effect that nothing could justify the violation of the territorial and political independence of States was a further confirmation of the principles of the United Nations Charter and a sine qua non for the promotion of equality in international relations and the strengthening of confidence among States.

30. It was particularly important that the Convention should not be restricted to actions post factum and that States should take appropriate action to prevent and suppress terrorist activities. It was to that end that his delegation had proposed the text of article 4 (a).

31. The adoption of the draft Convention would be only a first step towards the eradication of international terrorism. The next, and even more important, step was for each individual State to be ready to deal with international terrorism in a forthright manner and without resorting to double standards. All States should also be ready to take the necessary measures to implement fully existing international conventions on the matter.

32. Mr. PIRIS (France) recalled that during the previous session's debate on a draft convention against the taking of hostages, his delegation had stated that it could not participate in any consensus, or vote in favour of a draft convention, unless the entire text, including the preamble, was free of all lacunae, uncertainties and ambiguities. His delegation's view was that the taking of hostages for whatever motive must be prosecuted and condemned at any time, in any place and in any circumstances.

33. Thanks to the long and difficult labours of the Sixth Committee and of the Working Group and Drafting Group, the text had been greatly improved, and he thanked all those responsible. His delegation would be able to support a consensus approving the text.

34. That did not mean, however, that he was fully satisfied with the text. He regretted that not all the provisions of the Convention were applicable to all taking of hostages and that in some circumstances the Convention relied on other conventions. However, that deficiency was overcome as far as he was concerned by his delegation's interpretation of article 12, which he took to mean that a hostage-taker would be prosecuted or extradited either under the Convention itself, or under the Geneva Conventions and Protocols thereto. The new Convention would therefore provide a basis for prosecution or extradition in all cases where the Geneva Conventions or their Additional Protocols did not apply, for example, because one of the States concerned was not a party to the Geneva Conventions.

35. He also deplored the inclusion of the third preambular paragraph; it was of a political nature and its inclusion in a juridical instrument of binding force was not justified. He would also have preferred the reference to international terrorism to be deleted from the fifth preambular paragraph, not only because it was undesirable in a criminal law text to use undefined terms, but also because the present Convention condemned indiscriminately all hostage-taking even in

(Mr. Piris, France)

circumstances obviously quite unconnected with terrorism. His delegation interpreted the fourth preambular paragraph to mean that the Convention itself ensured that all hostage-takers would be prosecuted or extradited.

36. Article 3, paragraph 2, dealt with objects illegally obtained by a hostage-taker which must be returned to the hostage or to a third party, or to the "appropriate authorities"; his interpretation of the latter term was that the objects in question must either be returned to their legitimate possessor, or returned to the appropriate authorities who could then return them to the possessor.

37. Article 10 established a sharp distinction between the obligations of States which made extradition conditional on the existence of a treaty, and the obligations of States which did not do so.

38. He considered article 14 to be unnecessary since it was quite clear that the Convention could not be construed as justifying acts which were in contravention of the United Nations Charter.

39. With regard to article 15, which dealt with asylum, he noted that States parties to treaties on asylum could not invoke those treaties with respect to States which were not parties to them; nevertheless he regretted the inclusion in the Convention of a provision which established a difference between the obligations of States parties.

40. In view, however, of the improvements which had been made to the text and to the general scope of the draft Convention, his Government had decided to join the consensus for adoption.

41. Mr. DEMBELE (Mali) commended the Working Group for its labours, and said that he still had some reservations regarding the text of the draft Convention. For example, he regretted that the preamble took no account of the fact that some acts in connexion with the taking of hostages could legitimately be undertaken by national liberation movements.

42. The last part of article 6, paragraph 4, which provided that the laws and regulations of the State in the territory of which an alleged offender was present must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 of the same article were intended, was unnecessary and even dangerous, since it provided that the rights of a hostage-taker could only be exercised under the laws and regulations of the State in which the alleged offender was present.

43. The first part of article 12 referred to the Geneva Conventions of 1949 and the Additional Protocols thereto; he thought the text would be clearer if those references were deleted.

44. Nevertheless, he accepted the text of the Convention.

45. Mr. HU (China) said that since his delegation had expressed its views on an international convention against the taking of hostages in the Sixth Committee at the thirty-second session, the draft Convention had been the subject of many consultations and a greatly improved text had resulted. There were still deficiencies with regard to certain provisions; nevertheless, in the light of his delegation's consistent attitude against the taking of hostages, he would be able in principle to support the draft Convention.

46. The CHAIRMAN invited the Committee to vote on draft resolution A/C.6/34/L.23 and on the draft International Convention against the Taking of Hostages set forth in the annex thereto (A/C.6/34/L.23/Add.1). A separate vote by roll call had been requested on article 9 of the draft Convention.

47. Tunisia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Brazil, Burma, Burundi, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Cyprus, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Germany (Federal Republic of), Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Iceland, India, Indonesia, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Portugal, Qatar, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Botswana, Congo, Romania, Viet Nam.

48. Article 9 was adopted by 103 votes to 10, with 4 abstentions.

49. Draft resolution A/C.6/34/L.23 and the annex thereto (A/C.6/34/L.23/Add.1), embodying the International Convention against the Taking of Hostages, were adopted without a vote.

50. Mr. ROSENNE (Israel) said that as he had not participated in the vote, he could hardly give an explanation of vote, but would give an explanation of position after decision. That being so, he reserved his delegation's right to speak on the item in the plenary meeting, and hoped that the Sixth Committee's report on the item would be framed in such a way as to refrain from conveying to the President of the Assembly the impression that his delegation had explained its vote in the Committee and plenary meeting.

51. His delegation had had continuing difficulties with article 12 of the draft Convention, and considered that the fourth preambular paragraph and certain other provisions, particularly articles 8 and 9 could have been formulated in much more satisfactory terms, although his delegation's disapproval of them in their current form would not have required him to vote against them. He regarded article 16 as applying objectively to any dispute including a dispute over qualifications, and would have liked that point to be more clearly expressed. He had not had time to study the Arabic, Chinese and Russian versions of the draft Convention. In the circumstances, his delegation was not yet able to take part in any decision-making process concerning the draft Convention.

52. Mr. POTOCKI (Poland) said that his Government had always opposed terrorism and especially the taking of hostages, and his delegation had therefore taken an active part in the efforts to improve the draft Convention. He supported the general tenor of the present text, though he had a specific reservation with regard to article 9, which he found to be inconsistent with the general scope of the Convention in that it virtually eliminated the principle of extradition; the article was imprecise and could be subjectively interpreted, thus militating against interpretation of the Convention in accordance with the principles of justice. However, notwithstanding his reservations he wished to co-operate with the delegations which had worked hard to reach agreement and had therefore decided not to object to the text as a whole.

53. Mr. VERWEY (Netherlands) said that recent events had underlined the need for a multilateral Convention against the taking of hostages. He was glad to note that the efforts deployed by many delegations to compromise and to understand the problems of others had been crowned with success.

54. Mr. MAZILU (Romania) said his delegation felt that in the interest of formulating a fully effective international instrument it would have been preferable to continue the consultations in order to arrive at a text acceptable to all Member States. His delegation was not satisfied with the wording of article 9, which tended to weaken the effectiveness of the Convention and reserved the right to express its definitive views at a later date after the competent organs in Romania had carefully studied the text.

55. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that his country attached great importance to international co-operation in the struggle against the taking of hostages. With a view to enhancing the effectiveness of measures designed to combat hostage-taking, his delegation had opposed the inclusion in the draft Convention of provisions which would make the application of existing measures in that field more difficult, such as the provisions concerning the right

(Mr. Ordzhonikidze, USSR)

of asylum and refusal to extradite an alleged offender, and the need to review existing international agreements concerning the extradition of persons who had committed such crimes. The draft Convention contained provisions which seriously weakened its effectiveness, and his delegation was especially opposed to article 9, which undermined the principle of the inevitability of punishment for a crime by making it possible for a criminal to escape punishment in many cases, especially those involving the question of extradition between States with different political views. Therefore, the basic principle that the taking of hostages was a criminally punishable act without exception whatsoever was violated, since hostage-taking was encouraged in cases where a criminal disagreed with the policies of a certain Government. For those reasons, his delegation had voted against article 9 and would have abstained if the draft Convention as a whole had been put to the vote.

56. Mr. QUATEEN (Libyan Arab Jamahiriya) expressed satisfaction that the draft Convention embodied three basic principles: first, that the taking of hostages was an international crime for which an offender must be prosecuted or extradited; second, that the draft Convention would not apply to the legitimate struggle of national liberation movements; and third, that the principle of the territorial sovereignty of States should be observed. He stressed that the effectiveness of the draft Convention depended on the scrupulous observation of those principles. Since all its provisions were interrelated, none of the articles could be deleted. His delegation was gratified to note that the draft Convention had been adopted without a vote.

57. Mr. FERNÁNDEZ (Chile) said his delegation had joined in the consensus on the draft Convention. His country attached the highest priority to the matter covered by the Convention and had participated actively in the work of the Ad Hoc Committee. In that regard, he expressed gratitude to the delegation of the Federal Republic of Germany and the other members of the Ad Hoc Committee for their valuable legal contribution.

58. Mr. V. KOSTOV (Bulgaria) said that in view of the desire of all States to co-operate in the prevention and suppression of the taking of hostages he had supported the decision of the Committee to adopt the draft Convention without a vote. His delegation fully supported the basic principles of prosecution or extradition of offenders. Article 9, however, disturbed the balance between those principles and considerably limited the possibilities of ensuring the effective application of the Convention. The failure to provide, in paragraph 1 of that article, any specific criteria for a decision not to grant extradition meant that a decision contrary to the spirit of the Convention could be taken. With regard to article 9, paragraph 2, his delegation felt that it would have been better to allow States parties themselves to resolve the question of existing extradition treaties and arrangements. For those reasons, he had voted against article 9.

59. Mr. ALMODÓVAR Y SALAS (Cuba) said that his delegation felt it would have been preferable to treat the taking of hostages as a form of international terrorism, since that would have permitted broad participation by all States, liberation movements and concerned international organizations in the consideration of the

(Mr. Almodóvar y Salas, Cuba)

question. The position of Cuba with regard to acts of international terrorism was well known, and had been given expression in the Cuban Criminal Code and in the acts of the Cuban authorities. No interpretation of the draft Convention could make that instrument applicable to the just struggle of peoples for liberation from colonial, neo-colonial and imperialist oppression and exploitation, and all forms of racial discrimination. His country could not accept articles 9, 10 and 15 because of its positions of principle and constitutional norms. With regard to articles 9 and 10, his country could not accept the idea that the sovereign will of States, as expressed in bilateral treaties, was subject to modification by multilateral norms. His country could not accept article 15, dealing with the right of asylum, because its wording could limit the effect of its Constitution, which guaranteed the right of asylum to those persecuted for participation in struggles for national liberation and against all forms of oppression and discrimination.

60. Mr. RENDOH (Botswana) said that his delegation had abstained from voting on article 9 on purely technical grounds and reserved its right to submit its final position in due course.

61. Mr. FLEISHHAUER (Federal Republic of Germany) said that the draft Convention which was the result of hard work, co-operation and compromise on the part of all concerned, upheld the basic principle that the taking of hostages was an offence of grave concern to the international community and that offenders should be prosecuted or extradited without exception whatsoever. He expressed the hope that the draft Convention would become an effective and useful instrument in combating the taking of hostages and would serve the interests of all mankind.

62. Mr. ARMALI (Observer, Palestine Liberation Organization), speaking in exercise of the right of reply, said that the representative of Israel had been consistent in following his country's policy of defying international law. It was common knowledge that Israel refused to implement the Geneva Conventions of 1949 and was the only country which had voted against article 1, paragraph 4, of Additional Protocol I to those Conventions. It was therefore quite fitting that the Israeli delegation should refuse to support the draft Convention, article 12 of which granted protection to peoples fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination. Unfortunately, the Palestinian people were still suffering from those scourges. His organization was particularly gratified by the adoption of the draft Convention, especially in view of the provisions of article 12, and paid a tribute to the efforts made by all delegations, especially that of the Federal Republic of Germany, to achieve that result.

63. Miss ORTIZ (Colombia) said that her delegation, which had always condemned international terrorism in all its forms, especially the taking of hostages, considered that the adoption of the draft Convention was one of the most important decisions taken by the Committee. However, her delegation wished to reiterate its reservations with regard to article 15 and would have preferred broader provisions relative to the legal characteristics and scope of the right of asylum.

AGENDA ITEM 111: UNITED NATIONS ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SECRETARY-GENERAL
(continued)

64. The CHAIRMAN said that, with regard to the resolution adopted by the Committee on agenda item 111 (A/C.6/34/L.18, as amended by A/C.6/34/L.19), he was currently unable to announce the composition of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law for the term 1980-1983, since certain regional groups had not completed their consultations on that matter. He suggested that the names of the 13 Member States to be listed in paragraph 11 of that resolution should be filled in by the Rapporteur before he submitted his report to the General Assembly. If he heard no objection, he would take it that the Committee wished to follow that procedure.

65. It was so decided.

66. The CHAIRMAN requested the Chairmen of the regional groups to inform the Rapporteur of the results of their consultations as soon as possible.

COMPLETION OF THE COMMITTEE'S WORK

67. The CHAIRMAN said that the Committee had greatly improved its record of punctuality during the current session. More importantly, however, it had succeeded in considering all the agenda items before it and in recommending 13 draft resolutions to the General Assembly for adoption.

68. After an exchange of courtesies, the CHAIRMAN declared that the Committee had completed its work for the thirty-fourth session.

The meeting rose at 5.15 p.m.