

SUMMARY RECORD OF THE 24th MEETING

Chairman: Mr. CALLE Y CALLE (Peru)

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 124: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES (continued)  
(A/36/445 and Corr.1 and Add.1 to 3)

1. Mr. BRUNO (Uruguay) said that traditional respect for missions and their representatives was now being violated on an alarming scale and increased international co-operation was therefore needed to protect such missions and representatives. There were many cases in which diplomats had even lost their lives, when all they did was to promote friendship and co-operation among peoples and countries. On 23 September 1981, the Minister for Foreign Affairs of Uruguay had told the General Assembly that his country would always categorically repudiate violence in all its forms and scrupulously watched over the security and safety of embassy and consular premises in its territory and the lives and tranquility of their occupants.

2. The international community was no doubt entitled to find appropriate means of preserving the inviolability of diplomatic and consular agents and their premises, and it was precisely to that end that the Vienna Conventions of 1961 and 1963 on diplomatic relations and consular relations respectively had been adopted. Those Conventions established the special status of diplomatic and consular premises and the inviolability of diplomatic and consular agents and officials and imposed an obligation on the receiving State to refrain from acts of sovereignty and to protect such agents and their premises against attack, intrusion and damage. The 1969 Convention on Special Missions also contained rules for the protection of the premises of special missions. Following the Vienna Conventions, other international legal instruments had been adopted with the same aim, for instance the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, the 1979 International Convention against the Taking of Hostages and the 1971 Convention adopted by the Organization of American States (OAS) to prevent and punish acts of terrorism.

3. Acts of aggression continued, however, and it would therefore seem necessary to draft new, supplementary legal instruments which filled in the gaps in existing international legislation in that field and to revise and supplement existing instruments so that they responded to current needs. The international community must therefore direct its efforts towards studying and adopting rules designed to determine the responsibility of States which did not offer proper protection to diplomatic missions and agents and to institute international supervision of the administrative measures taken by States in order to render such protection effective.

4. In its draft treaty on States responsibility, the International Law Commission had already adopted a number of articles which established that there was a link between a State's internationally wrongful act and that State's responsibility and defined the concept of an internationally wrongful act. Under those provisions, States clearly had an international obligation and might be violating that obligation if they did not protect the inviolability or dignity of diplomatic agents and other officials. The ILC must now work towards the adoption of a convention or agreement on the subject, and new rules of international law must also be adopted which

(Mr. Bruno, Uruguay)

enabled the international community to supervise administrative measures related to the protection, security and safety of missions. In his view, given their international content, such rules would not constitute a violation of the State's sovereignty. In that connexion, he wished to refer to the ILO Constitution which authorized that Organization to require States to report on how they had implemented international labour resolutions, recommendations and conventions.

5. Each State's domestic law must provide effective measure to ensure that the receiving State was responsible for taking appropriate preventive measures and for punishing those who were found guilty of attempts against the security and safety of diplomatic and consular agents. If the perpetrators were not brought to justice and punished, the receiving State would be liable before the sending State and the entire international community.

6. Mrs. OLIVEROS (Argentina) said that, throughout the history of diplomatic relations, there had been many attempts against the physical integrity of States' representatives. In the various cases that had subsequently given rise to claims the outcome of which had been clear, the common denominator in the final judgment was the recognition that the receiving State was responsible for taking due security measures. The concept of due diligence appeared in all the judgments in disputes arising from the violation of the principle of the security and safety of diplomatic missions and representatives. The findings of Judge Max Huber in the British properties in Spanish Morocco case (1925) reflected an irrefutable logic on which the principle of States' responsibility for the acts of individuals was clearly based.

7. Her delegation believed that the resolution adopted by the General Assembly must take into account the history of international law and leave room for the principle of the responsibility of the receiving State for fulfilling the necessary security requirements. The international community must take firm steps to stop terrorist activities which threatened internationally protected persons by increasing the possibilities for the United Nations to act as a centre of information, dissemination and support in the negotiation of cases involving the violation of the protection, security and safety of diplomatic and consular missions and representatives.

8. Mr. AUST (United Kingdom), speaking on behalf of the ten States members of the European Economic Community, said that document A/36/445 containing the reports and views of States pursuant to paragraphs 7 and 9 of General Assembly resolution 35/168 showed that there had been several recent attacks against diplomatic and consular personnel.

9. Although they were firmly pledged to combat such attacks, the Ten saw no need for any new conventions or treaties since the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations already contained very clear rules on the immunity, inviolability and privileges of diplomatic and consular staff and their families, homes and offices. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents and the International Convention against the Taking of Hostages also referred to the security and safety of diplomats. It should be noted, however, that only 53 States were parties to the former Convention although it had been adopted almost eight years previously, while only 40 States had signed the

(Mr. Aust, United Kingdom)

International Convention against the Taking of Hostages and only 14 had become parties to it. Eight more States were needed to bring that Convention into force. The States member of the European Community hoped that those States which had not yet done so would consider the possibility of ratifying or acceding to those Conventions.

10. The above Conventions contained optional provisions designed to facilitate the peaceful settlement of disputes concerning their interpretation or application, and the Ten also hoped that those States which had not yet done so would endorse the provisions for the peaceful settlement of disputes by way of arbitration or adjudication.

11. It was important that States apply the provisions of the above Conventions fully. The States members of the European Community, for their part, were firmly committed to ensuring that the perpetrators of crimes against diplomatic and consular personnel were severely dealt with and in fact, in the past year, when there had been several serious incidents of that nature in some Member States of the European Community, they had been dealt with, firmly as their criminal nature warranted.

12. The reporting procedure established by resolution 35/168 made a valuable contribution to the efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives.

13. Finally, the members of the European Community considered that when diplomatic or consular personnel were attacked or threatened and another State, especially a host State, directly aided and abetted such acts, that became the concern of all States and any State which disregarded its obligation in that respect should be fully aware of its responsibilities towards the international community as a whole.

14. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that the Soviet Union steadfastly championed the full observance of the rules of international law, particularly those relating to diplomatic and consular relations, since it considered that diplomatic and consular representatives played an important role in international life by helping to develop relations between States and international co-operation.

15. The discussions held in the Committee at the thirty-fifth session of the General Assembly had shown that Governments were concerned about the violations of the rules of international law governing diplomatic and consular relations, a concern which had led to the adoption of resolution 35/168, which urged all States to observe and implement those rules. In a statement on 26 September 1972 in the General Assembly the Minister for Foreign Affairs of the Soviet Union had clearly stated his country's opposition to acts of terrorism committed against diplomatic and consular representatives of States.

16. The rules of international law governing diplomatic and consular relations were embodied in various instruments, including the 1961 Vienna Convention on Diplomatic Relations, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, and the 1975 Vienna

(Mr. Ordzhonikidze, USSR)

Convention on the Representation of States in Their Relations with International Organizations of a Universal Character. In that regard, it had been the Soviet Union which had proposed consideration of the question of implementing the 1961 Vienna Convention on Diplomatic Relations and how to increase the number of parties to that Convention.

17. The Soviet Union had taken all necessary steps to protect diplomatic and consular representatives in its territory, and the Soviet information media were constantly explaining to the public the important role played by diplomatic and consular representatives in promoting peaceful co-operation among States.

18. The delegation of the USSR was deeply disturbed at the recent serious violations by some States of obligations embodied in international instruments. An examination of those cases revealed that, for the most part, there had been infringements of two provisions of the Vienna Convention on Diplomatic Relations: article 22, paragraph 2, and article 29. It should be borne in mind that most of the rules compiled in international agreements were actually rules derived from customary law, which meant that States must observe them even if they were not parties to those agreements.

19. The international community could not stand by passively while flagrant violations were committed against diplomatic immunities and prerogatives. The Soviet Union had reported a great many of those violations to the United States authorities, but the latter neglected their obligations to ensure the safety of diplomatic representatives and their property, showed excessive tolerance towards those who committed crimes and were not even prepared to take steps to end campaigns of hostility and provocation against particular States or their representatives. One example sufficed: on 11 April 1981 terrorist acts had been committed against the Consulate-General of the Soviet Union in San Francisco, California. Shots had been fired at the premises and the fact that there were no victims had been due entirely to good fortune.

20. That terrorist campaign could not be covered up; it affected a number of missions and their personnel, including the missions to the United Nations, and it even threatened the security of United Nations Secretariat officials and their families. Assaults on those persons, attacks against buildings with explosives, premeditated arson and other acts of vandalism were habitual forms of aggression in New York and failed to receive the punishment they deserved. Terrorist organizations like the Jewish Defense League and Omega 7 acted with impunity and often assumed responsibility for their criminal acts.

21. All that served to demonstrate that the United States was not fulfilling its international obligations. One of the reasons for that state of affairs was that the United States legal system lacked sufficiently effective laws to ensure the normal functioning of the diplomatic and consular services and the missions to the United Nations.

22. His delegation therefore considered that the step taken by the Scandinavian countries was timely and necessary. The United Nations should play an important role in promoting the relevant international rules and principles in order to create a climate which would preclude any form of arbitrariness. The General Assembly should continue to monitor the situation with a view to ensuring that all States fulfilled the obligations they had assumed under the 1961 and 1963 Vienna Conventions.

23. Mr. FERNANDEZ (Chile) said that his country strictly observed all the basic rules on appropriate protection for diplomatic personnel and their premises and property and the rules applicable to international officials and their headquarters. The relevant provisions were contained in instruments to which Chile was a party, including the 1961 and 1963 Vienna Conventions, the 1973 New York Convention, the Conventions on the Privileges and Immunities of the United Nations and of the Specialized Agencies and the Convention on Special Missions.

24. However, those rules were not in themselves sufficient to ensure the normal conduct of the activities concerned. All countries must accede to those instruments, whose provisions should be included in their national legislation, and the concept of legally protected property (bien jurídico) must receive universal recognition. It would not then be possible to infringe the rules on the pretext that they were being interpreted or applied differently.

25. In crimes against diplomats and diplomatic premises, which were occurring with alarming frequency, there was clear and unmistakable evidence of the work of international terrorism, which acted with the sole intent of causing damage, injury and suffering. It was necessary to determine the responsibility of those who committed and incited to such acts, define those acts as crimes and apply the penalties laid down with all due strictness. Yet, at times those guilty received support and were even the object of admiration. It was made out that the victims deserved the violence they had suffered, with the aim of completely disrupting the international legal order and challenging with impunity existing rules and instruments.

26. As long as terrorism existed as the tool of certain ideologies and certain countries known to all, the efforts of the international community would have no chance of succeeding. Consequently, Chile considered that, instead of elaborating or adapting applicable norms and striving for their general acceptance, it was necessary to devise efficient machinery for the prevention, trial and punishment of those who committed terrorist acts against diplomats or their premises, through international rules and obligations binding on all. At the same time, there should be emphasis on a campaign to dignify the diplomatic function anew, so that the public would be duly aware of the importance of the tasks performed by foreign representatives and international organizations.

27. The Chilean delegation also maintained that the obligations deriving from diplomatic functions should be fulfilled in their totality, and the responsibility for that lay with both the receiving country and the accrediting country. In some cases, the diplomatic or international function was used to conceal other activities which had no connexion with the activities protected by law and which should generate international responsibility on the part of the country or organization concerned.

28. Mr. LACLETA (Spain) said that the inviolability of diplomatic and consular missions and representatives was essential to relations between States. Guarantees were necessary not only when relations between States were friendly or normal but also when they were difficult and even poor. Not only did that rule belong to conventional international law, but it was also one of the most ancient and soundly established rules of customary law.

(Mr. Lacleta, Spain)

29. His delegation considered that the step taken by the Nordic countries was most constructive and welcomed the impact which it had begun to produce through General Assembly resolution 35/168. The Government of Spain, which was a party to the 1961 and 1963 Vienna Conventions, had initiated procedures for Spain's accession to the 1973 New York Convention and for the signing and ratification of the 1979 International Convention against the Taking of Hostages. Although the Spanish Penal Code contained provisions on crimes committed against Heads of State or foreign representatives accredited in Spain, the Vienna Conventions required a more comprehensive penal protection and legislative changes to define crimes not provided for, to state the penalties applicable and to extend the jurisdiction of the competent courts. The necessary arrangements had been made for the submission of such changes to the Legislature in the form of a special law amending the existing Penal Code or through their incorporation in the new penal code in preparation, whose title was "Crimes against the Law of Nations". In any event, the Spanish Government intended to accede to the two Conventions as soon as possible.

30. If violations of the basic principle of diplomatic immunity were to be stopped, it was not enough to have conventions as a matter of forms; the political will to comply with them and the co-operation of all States were needed also. The Spanish delegation considered the reporting system laid down in General Assembly resolution 35/168 to be appropriate; it also believed that emphasis should be laid on co-operation between the sending State and the receiving State, in all cases, as the acts of violence against diplomatic and consular missions and representatives were often intended to make relations between States more difficult.

31. Mrs. QUENTIN BAXTER (New Zealand) said that as long as diplomats and missions continued to be victims of acts of violence, international attention must be focused on the consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions.

32. General Assembly resolution 35/168, which had been adopted by consensus the previous year, expressed a determination to achieve respect for and effective implementation of the rules of international law governing diplomatic and consular relations. Her delegation believed that the resolution to be adopted in 1981 should build upon that precedent. It was also important that there should be unanimity and that measures should be taken to encourage and assist States in carrying out their obligations.

33. The international community was making a three-pronged attack on the evils covered by the present item: first, greater international support for the relevant international conventions; secondly, identification of the measures required to prevent attacks on missions and their representatives; lastly, there was the reporting procedure which heightened international awareness of any shortfall in the attainment of the objectives.

34. In connexion with the first point, she said that the New Zealand Government, which was already a party to the Vienna Conventions of 1961 and 1963, had signed, on 24 December 1980, the International Convention against the Taking of Hostages. Domestic legislation to implement that Convention and the New York Convention of 1973 had been enacted by the New Zealand Parliament, and her Government intended to ratify the Convention against the Taking of Hostages and to accede to the New York Convention of 1973 early the following year.

(Mrs. Quentin Baxter, New Zealand)

35. As to the second point, which was concerned with State responsibility for providing adequate protection for diplomats, she recalled that in its commentary on article 23 of the draft articles on State responsibility (Yearbook of the International Law Commission, 1978, Volume II, Part Two, Chapter III), the International Law Commission had envisaged obligations both of conduct and of result. For example, there might be an obligation of conduct requiring the posting of a guard or special protection for a foreign building (paragraph 2 of the commentary). However, there were many obligations based on different principles and structured in a different way, namely, those described as "obligations of result". Examples of such obligations were laid down in articles 22 and 29 of the Vienna Convention on Diplomatic Relations, which required the State to ensure that the premises of a mission were not subject to any intrusion or damage, not only by State organs but also by third parties, and to take all appropriate steps to prevent any attack on the person, freedom or dignity of a foreign diplomatic agent (paragraph 3 of the commentary). In paragraph 12 of the commentary, the International Law Commission made the point that States were not required to await the occurrence of a calamity they wished to prevent, as they could send a communication to the obligated State before the event occurred to draw its attention to the insufficiency of the preventive measures adopted. The important thing was for States to meet their obligations in that area. State responsibility was the consequence if they failed to do so, but it was the record of sensible precautions which tested compliance with the relevant international obligations.

36. Lastly, although the obligations were in the first instance bilateral in character, their observance was of direct importance to the international community. The procedure of reporting to the Secretary-General instituted in the New York Convention of 1973 and made the subject of a more general invitation in General Assembly resolution 35/168 was a reflection of the general concern to maintain the underpinnings of mutual respect and co-operation between States. The role of the Secretary-General in that respect resembled the role sometimes accorded by domestic law to official guardians of the public interest.

37. The New Zealand delegation trusted that the General Assembly would again adopt by consensus a resolution which urged support for the relevant treaties, encouraged co-operation among States to ensure respect for diplomatic and consular officers and institutions, and maintained United Nations surveillance in that vital area.

38. Mr. SAIGNAVONGS (Lao People's Democratic Republic) said that during the debate on the present item, that had taken place the previous year, all the members of the Committee had recognized the necessity and importance for the fulfilment of the principles and purposes of the Charter of the functions of diplomatic and consular representatives concerned with promoting friendly relations and developing economic, commercial, cultural, technical and scientific co-operation between States. Another thing which had come out during the debate was that the international community was seriously concerned at the increasingly frequency of violations of the international laws governing the privileges and immunities of diplomatic and consular agents and missions, violations that were reflected in acts of violence against the personnel and the premises of those missions. The General Assembly had adopted resolution 35/168 as a result.



(Mr. Saignavongs, Lao People's Democratic Republic)

39. In the present state of the relevant international law, codified in different instruments which included the Vienna Conventions of 1961 and 1963, the protection and safety of the missions and their diplomatic and consular representatives was the exclusive responsibility of the receiving State, whose duty it was to take whatever international action was necessary to prevent the violation of the relevant rules of international law and to punish with severity those who were guilty of violating them. That applied specially to States which had granted asylum to groups of activists who were well known to be hostile to certain States. He reminded the Committee that although it was the right of a sovereign State to grant asylum, which should never be interpreted as an act of hostility to other States, the State of asylum was not exempted from the obligation to prevent those to whom it was giving asylum from indulging in activities that were hostile to other States.

40. On the other hand, the prevention and suppression of violations of the rules of the international law obtaining in that area required international co-operating, the exchange of information between States and the co-ordination of administrative and other measures designed to prevent the commission of crimes. If the guilty parties escaped action by the judicial authorities of the State of residence, it was that State's duty to provide other States with information about them, and the State in which the guilty parties took refuge was obligated to take steps to order their extradition or, if they were its own nationals, to prosecute and punish them under its domestic law. For its part, the accrediting State must instruct its representatives to co-operate with the authorities of the host country and particularly to respect the laws and regulations of that State and not to interfere in its internal affairs. Those obligations were very clearly stated in the Vienna Conventions of 1961 and 1963.

41. Faithful to the international obligations laid down in the Vienna Conventions, of which it was a signatory, the Lao People's Democratic Republic had always striven to ensure the protection and safety of the diplomatic and consular missions and representatives accredited to it. At the same time, it had instructed its representatives abroad to respect the laws and regulations of the host countries and not to interfere in their internal affairs. Since General Assembly resolution 35/168 had been adopted, there had not been a single incident against the missions or the diplomatic representatives accredited to the Lao People's Democratic Republic.

42. Mr. ROSENSTOCK (United States of America), speaking in exercise of the right of reply, said that although 60 countries had recently reported incidents involving their diplomatic representations, only the Soviet Union had chosen to use such incidents to score propaganda points. The United States took its obligation to provide protection to diplomats stationed in its territory very seriously and condemned all attacks on diplomats and on officials of the United Nations Secretariat.

43. At the same time, the United States hoped that some day the Soviet Union would take the problem so seriously that it would not only raise it in the General Assembly but would also allow its diplomats to testify in United States courts when such testimony was necessary to obtain the conviction and punishment of those who perpetrated such condemnable acts.

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44. Mr. VERENIKIN (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said the decision whether to permit Soviet officials to testify in the courts of a foreign State was a right of a sovereign State, but it was the responsibility of the receiving State to guarantee the safety of the personnel of diplomatic missions.

45. The missions of States to the United Nations could not allow their officials to appear in United States courts whenever their privileges and immunities were violated. If they did so, those officials would be unable to perform properly their task of protecting the interests of their States in United Nations bodies.

46. According to the norms established in the international conventions on the subject, it was the duty of the host State to take all necessary precautions to guarantee normal living and working conditions for the personnel of diplomatic and consular missions stationed in its territory and to prevent attacks on their safety.

AGENDA ITEM 115: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES  
(continued) (A/36/43, 116 and 438)

47. Mr. MOREIRA (Portugal) said there seemed to be a general consensus that the use of mercenaries against national liberation movements, in disputes between States or for the purpose of overthrowing the government of another State, was illegitimate and should be condemned.

48. The draft submitted to the Ad Hoc Committee by the delegation of Nigeria (A/AC.207/L.3) contained a definition of the term "mercenary" which was inspired by article 47 of Additional Protocol I to the 1949 Geneva Conventions, and incorporated the element relative to the "voluntary character" of the mercenary, although that was not stated clearly in the text. In order to avoid any doubts, his delegation thought that a new formulation should be devised, defining that element in an unambiguous way.

49. With regard to the private character of the recruitment, article 1, subparagraph (f), stated that a mercenary was an individual who had not been sent by a State which was not a party to the conflict on official duty as a member of its armed forces. That meant that military advisers, members of armed forces on active service or even volunteers made available to one State by another were not assimilated to mercenaries, an element which could give rise to many problems.

50. Another element of the definition concerned the fact that mercenaries were neither nationals of a party to the conflict nor residents of a territory controlled by a party to the conflict. Thus, in order to be considered a mercenary, an individual would have to be a foreigner vis-à-vis both parties to the conflict. That matter required further clarification, since if a mercenary was a national of the adversary, he would be considered a traitor if he were captured. It should also be remembered that mercenaries, like all human beings, were entitled to a fair trial. His delegation therefore thought that the "cause" element should be taken into account in the definition of a mercenary.

(Mr. Moreira, Portugal)

51. With regard to the motivation of the mercenary, article 1, subparagraph (c), referred to "the desire for private gain", a criterion which made it possible to distinguish the mercenary from the volunteer, who was motivated purely by an ideal or a political conviction. In practice, however, that gave rise to some difficulties, since it did not exclude the possibility that some States might regard the desire for material gain as irrelevant when the recruit had as his aim interests which that State considered worthy of protection. Furthermore, it created delicate problems involving the determination of motives, since an individual paid to fight for a party often had a political motive as well. Thus, the characterization of the mercenary by reference to desire for material gain involved the problem created by the tendency of States or of the parties to a conflict to see a mercenary in every antagonist, even if he was moved by the most progressive and unselfish feelings, and by the existence of so-called mercenaries who had no desire for material gain.

52. The desire for material gain had been one of the most criticized elements in the text adopted at the Geneva Diplomatic Conference. In order to make the expression more objective, a criterion had been adopted whereby the mercenary must receive material compensation substantially in excess of that promised or paid to combatants of similar rank and functions. But that restriction, in turn, could lead to the assertion that foreign volunteers who had enlisted exclusively for profit but who received the same salary as members of the regular armed forces did not act out of selfish motives and therefore were not mercenaries.

53. In short, an adequate definition should take into account the willingness of the recruitment, its private character, the condition of being a foreigner and, above all, the cause that the mercenary defended.

54. The context of the recruitment - whether peacetime, international or non-international armed conflict - would be irrelevant. What must be taken into account, however, was the conformity of the cause defended by the mercenary with international law. In that case, the motives of the mercenary would be of little importance and the only really significant criterion would be whether the volunteer was on the right side or the wrong side. It would thus be necessary to be guided by political considerations in determining whether a cause was just or unjust.

55. With regard to the definition of the crime of mercenarism, the text proposed by the delegation of Nigeria was based on the Convention for the Elimination of Mercenarism in Africa adopted by the Organization of African Unity in 1977 and the draft convention on the prevention and suppression of mercenarism prepared by the International Commission of Enquiry established by the Government of Angola in 1976.

56. Portugal accepted the principle of international responsibility for the breach of its international obligations, but could not accept the possibility of criminal liability of States for the acts of their citizens, not only because it could not exercise control over the acts of all its citizens but also because it believed that in that particular instance States incurred responsibility only when they failed to fulfil their obligation to prevent or punish hostile acts committed in their territory against the sovereignty or territorial integrity of other States.

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(Mr. Moreira, Portugal)

57. With regard to the juridical status of a mercenary, his delegation, which was firmly opposed to the activities of mercenaries and favoured a total ban on them, believed that it was improper to deprive a human being of some of his basic rights, as would be the case if the provisions of article 47 of Additional Protocol I to the 1949 Geneva Conventions were applied literally. If the principle embodied in that article were accepted, it would seem that the crime committed by a mercenary would be considered far more condemnable than that of any other participant in an armed conflict, whatever its nature and scope.

58. In conclusion, his delegation wished to express the hope that the General Assembly would renew the mandate of the Ad Hoc Committee, so that the latter would be able to continue its useful work.

The meeting rose at 5 p.m.