



SUMMARY RECORD OF THE 48th MEETING

Chairman: Mr. FERRARI-BRAVO (Italy)

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AGENDA ITEM 120: DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES (continued)

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The meeting was called to order at 3.20 p.m.

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

1. Mr. SERAFINI (Italy) said substantial progress had been made at the Ad Hoc Committee's 1978 session. Although numerous problems remained to be solved, the fact that the Ad Hoc Committee had not completed its task could not detract from the positive impression created by the report (A/33/39). Three factors had contributed to the creation of a favourable working climate. First, the organization of the work, especially the establishment of the two Working Groups, had been very effective. Second, the submission by the delegation of the Federal Republic of Germany of a very balanced draft convention focusing on the essential aspects of the problem as well as the efforts of that delegation to achieve generally acceptable solutions, had facilitated the task of the Ad Hoc Committee. Lastly, the constructive attitude and the spirit of compromise which had prevailed among all delegations had prevented any confrontations or misunderstandings. That attitude would not have emerged if the basic principle that the taking of hostages was an act prohibited by international law had not been stressed from the very beginning of the negotiations. Once that principle had been established, the remaining important problems - the preamble, the definition of the taking of hostages, the scope of the convention and the question of national liberation movements - seemed open to generally acceptable solutions. His delegation, as a sponsor of draft resolution A/C.6/33/L.5, which called for the renewal of the mandate of the Ad Hoc Committee, hoped that the draft would be adopted by the Sixth Committee by consensus, so that the work of drafting the international convention could be completed.

2. Mr. RIOS (Chile) said his delegation regretted that the Ad Hoc Committee had not been able to submit a completed draft convention to the current session of the General Assembly. However, considerable progress had been made. Working Group II had achieved concrete and encouraging results in its exhaustive study of articles 2 to 9, article 10, paragraph 2, and article 11 of the draft submitted by the Federal Republic of Germany. That draft was an excellent working document for the Ad Hoc Committee and could serve as a solid basis for a convention against the taking of hostages. Although Working Group I had been unable to achieve results because of a lack of consensus, progress had been made in reducing the differences between the various positions thanks to the efforts, constructive attitude, and goodwill of the delegations. In view of the important progress made and the spirit of co-operation which had prevailed among delegations, he was confident that the Ad Hoc Committee would complete the drafting of an international convention in the near future. His delegation therefore considered that the mandate of the Ad Hoc Committee should be renewed so that its valuable work could be completed.

3. Mr. SANYAOLU (Nigeria) said the report (A/33/39) showed that the Ad Hoc Committee had achieved some concrete and encouraging results during its 1978 session. His delegation was convinced that, given the time, the Ad Hoc Committee

(Mr. Sanyaolu, Nigeria)

would eventually complete its task. He expressed satisfaction that the taking of hostages had been generally accepted in principle as an act prohibited under international law. Despite the progress made by the Ad Hoc Committee on a number of draft articles, some issues still remained unresolved, namely the scope of the convention and the question of national liberation movements, the definitions of the taking of hostages, the question concerning extradition and the right of asylum, and the respect for the principles of sovereignty and territorial integrity of States with regard to the release of hostages. He noted that the prolonged and intensive negotiations had narrowed the gap between the negotiating groups. His delegation wished to become a sponsor of draft resolution A/C.6/33/L.5 for it believed that the mandate of the Ad Hoc Committee should be renewed so that its work could be continued. His delegation also hoped that the same atmosphere of harmony would be maintained during the next session.

4. Mr. HOUNGAVOU (Benin) said his delegation had carefully studied the report of the Ad Hoc Committee (A/33/39) and had noted the numerous difficulties impeding its work. His country was opposed to international terrorism and was always ready to combat it in a spirit of solidarity with all the other States of the international community. His delegation felt, however, that the Ad Hoc Committee must first solve the basic problem of defining the term "international terrorism", of which the taking of hostages and air piracy were only two aspects. Until that was done, the Ad Hoc Committee would be unable to complete its task and draft an acceptable international convention. Certain delegations, which were members of the Ad Hoc Committee, wanted to limit its work to certain selected aspects of the question. His delegation felt that that approach would only produce negative effects and would prevent the Ad Hoc Committee from completing its work. Contrary to Western propaganda, the countries of Africa, Asia and Latin America, whatever their political orientation, were determined to combat terrorism for the simple reason that they were the first to suffer from it. To be just and effective, the common struggle against terrorism must include all aspects of that problem. Any other approach would be unfair and condemned to inevitable failure.

5. The progressive and revolutionary countries of Africa, Asia and Latin America which dared to challenge and combat international imperialism and its international agents were daily threatened by destabilization and aggression. The population of those countries felt terrorized, living daily under the menace of international terrorism. As an example he cited the invasion of Cotonou on 16 January 1977; on that day the entire population of the town had been held hostage by the vile agents of international imperialism. If the international convention on the taking of hostages did not deal with that form of international terrorism it would be avoiding the fundamental aspects of the problem. The people of Angola were threatened by terrorism perpetrated by the colonialist, pro-imperialist minority racist régime of South Africa. The populations of southern Africa, Namibia, Zimbabwe and the refugees in camps in Angola, Zambia, Mozambique, Botswana and Lesotho suffered from international terrorism by being held hostages within their own countries or being forced to leave them. The Palestinian and Arab inhabitants of territories occupied by Israel experienced State terrorism more atrocious than that of the racist régime of Pretoria and whose only precedent in recent history

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(Mr. Houngavou, Benin)

had been Nazi terrorism. The building of military bases in Africa by international imperialists and the patrolling of undefended African coasts by imperialist fleets also constituted a form of international terrorism. The under-development, disease and malnutrition which daily inflicted suffering on 90 per cent of the world's population and which were caused by capitalist exploitation of the world's resources, constituted another form of international terrorism. The economic blackmail and pressure imposed by imperialist States on certain progressive and anti-imperialist States was yet another form. The Ad Hoc Committee should take all those forms of international terrorism into account and should undertake an objective analysis of the situation in order to arrive at an exact definition of what was meant by the taking of hostages and international terrorism. The Government of Benin would oppose any other approach.

6. His delegation reaffirmed the principle recognized by the United Nations and other international bodies concerning the legitimacy of the struggle by national liberation movements to liberate their oppressed peoples from foreign domination, imperialism, colonialism, and racism. An international convention on the taking of hostages which hindered those liberation movements would legalize the terrorism of the imperialists and colonialists and the racist régimes of southern Africa. His Government would never support such a convention and would be determined to prevent its drafting. The legitimate rights of struggling peoples should never be called in question, and should be seen in their true political context.

7. The racist and colonialist minority régimes of southern Africa, for their own purposes, did not distinguish freedom fighters from common criminals. Certain racist régimes interpreted the struggle of the Palestinians as simple acts of terrorism. Those arguments were completely lacking in sense and would never convince anyone. In conclusion, his delegation urged the members of the Ad Hoc Committee to be more courageous and objective, in order to perform their task correctly.

8. Mr. KAWAMURA (Japan) said his Government had repeatedly expressed its opposition to the continuation of the abhorrent and inhuman practice of taking hostages and had urged the international community to take effective steps to prevent its further occurrence. Consequently, his Government had welcomed the establishment of the Ad Hoc Committee in 1976. His country's efforts to secure international co-operation in suppressing the taking of hostages had continued unabated, an important part of that effort being its active and constructive participation in the work of the Ad Hoc Committee.

9. The work of the Ad Hoc Committee in 1978 had been truly fruitful. During the Ad Hoc Committee's deliberations, a spirit of understanding and trust had grown up among its members. That spirit was exemplified by paragraph 16 of the Ad Hoc Committee's report. Furthermore, the method of work adopted by the Ad Hoc Committee in establishing two working groups, one to examine thornier questions and the other to deal with generally non-controversial articles, had proved to be sound and had helped greatly to advance consideration of the problem.

(Mr. Kawamura, Japan)

10. It was in view of the fairly bright outlook for the Ad Hoc Committee's future work that his delegation had co-sponsored draft resolution A/C.6/33/L.5. In order to enhance international co-operation in combating the taking of hostages, it was certainly necessary to continue the work of the Ad Hoc Committee. It was also worth noting that the renewal of the Ad Hoc Committee's mandate had been regarded as an appropriate course of action by all its members. His delegation, like others which were interested in obtaining concrete proof of the determination of the international community to suppress hostage-taking, expressed the sincere hope that the draft resolution would be adopted by consensus, thereby facilitating the work of the Ad Hoc Committee. Given the same spirit of co-operation and understanding and the same realistic sense of compromise that had prevailed at its meetings during the past year, the Ad Hoc Committee would be able to achieve some concrete results.
11. Mrs. de ODREMAN (Venezuela) said the report (A/33/39) of the Ad Hoc Committee, of which her delegation was a member, reflected progress made towards outlawing one of the forms of terrorism which was most harmful to humanitarian law, human rights and relations between States. However, as the report showed, the Ad Hoc Committee had been unable to fulfil its mandate, and it was for that reason that her delegation had co-sponsored draft resolution A/C.6/33/L.5, the adoption of which would enable the Ad Hoc Committee to continue its work.
12. Her delegation, which had always supported the initiative of the Federal Republic of Germany, hoped that the efforts to establish a normative instrument would be successful and that agreement would be reached at the international level on sanctions against the taking of hostages, with the natural restrictions deriving from the position maintained by Venezuela in defence of the right of peoples to self-determination and to combat all forms of colonial oppression and odious discriminatory practices, such as apartheid. Accordingly, she wished to reiterate that in its future deliberations, the Ad Hoc Committee must resolve the questions concerning extradition and the right of asylum, and respect for the sovereignty and territorial integrity of States with regard to the release of hostages.
13. Mr. FRANCIS (Jamaica) said the substantial progress made by the Ad Hoc Committee was attributable to the method of work it had adopted and to a spirit of accommodation and willingness to compromise on the part of its members.
14. The Ad Hoc Committee should exercise great caution in considering the possibility of making the proposed conventions supplement the Geneva Conventions of 1949 and the Additional Protocols of 1977, since, although the Geneva Conventions contained provisions outlawing the taking of hostages, they were clearly intended to operate in circumstances of war. It should also be borne in mind that one of the basic provisions of Additional Protocol I of 1977 placed conflicts involving national liberation movements in an international context. Consequently, the Ad Hoc Committee should endeavour to avoid upsetting the balance achieved in that document.

(Mr. Francis, Jamaica)

15. The provisions of draft article 7, paragraph 3, as proposed by the representative of Barbados, seemed sound, particularly in view of the provisions of draft article 5, and should be re-examined. The Geneva Conventions of 1949 provided a model for the procedure proposed in that paragraph. However, it might be appropriate to leave aside the question of the territorial State's approach to the Secretary-General, since that was essentially an administrative matter.

16. His delegation had no difficulty in supporting draft resolution A/C.6/33/L.5.

17. Mr. de FARIA (Portugal) said the Ad Hoc Committee had made remarkable progress at its 1978 session. His delegation had followed the work of that Committee with great interest and wished to commend it on the way in which it had organized its work. He whole-heartedly supported the recommendation that the Ad Hoc Committee should be allowed to continue its work in 1979, as shown by his delegation's co-sponsorship of draft resolution A/C.6/33/L.5.

The meeting rose at 4.15 p.m.