

connexion; for example, it should be possible to add to the requirements set out in article 3 by referring to types of outrages that had become all too common, particularly the taking of hostages, terrorism and cruel treatment of all sorts. Moreover, special protection should be accorded to women and children, medical units and personnel, and persons captured or detained. It should be possible to prohibit attacks on non-combatants and on the civilian population as such and also certain types of forced movement of civilians. He hoped that it would prove feasible to include the obligation to permit the passage of food and relief supplied for non-combatants. Perhaps the most important improvement that could be made in that connexion would be to extend the application of the Second draft Protocol, on non-international armed conflicts, so that it would come into force at a very low level of conflict.

54. With regard to guerrillas, the experience of the Second World War had resulted in a provision of article 4 of the Geneva Convention relative to the Treatment of Prisoners of War according to which guerrillas involved in international conflicts had the right to be treated as prisoners of war. However, the granting of prisoner-of-war status to guerrillas was based on criteria which currently seemed outdated. Moreover, it should be remembered that guerrillas might be induced to conduct their operations in such a way as to come within the scope of international rules, so as to be treated as prisoners of war.

55. The question of the protection of the civilian population likewise involved considerable problems. Contemporary history showed clearly that modern war was aimed not merely at the enemy's military forces, but also at his willingness and ability to continue the struggle. One could imagine prohibiting attacks on urban areas, except with selective weapons which would damage only military installations. It was true that such a rule would fundamentally change the nature of conventional war and would preclude nuclear war almost completely. He considered, however, that the Conference of 1974 could achieve significant improvements in civilian protection if it concentrated on more limited proposals. For example, rules could be devised to ensure that armed forces avoided unnecessary injury to civilians and damage to civilian property, and to make safety zones a workable concept.

56. With regard to the question of national liberation movements, he said that his comments should not be misconstrued as a condemnation of those movements. Whether his Government approved or disapproved of a particular liberation movement was beside the point; the fact was that a liberation movement as such could not negotiate or conclude international agreements. As to the suggestion that liberation movements should be allowed to attend the forthcoming Conference, it should be noted that participation in multi-lateral conferences concerned with the conclusion of treaties relating to the development of international law had always been limited to Governments and international organizations that might become parties to those treaties.

57. He was glad to see that the ICRC expert meetings planned for 1974 would begin to study in depth the possibility of prohibiting or limiting the use of certain conventional weapons. It would be advisable to mention those expert meetings in draft resolution A/C.6/L.964. With that reservation, he found the draft resolution acceptable.

58. He wished to stress his deep concern that the forthcoming Conference would not be successful unless all Governments devoted serious attention to the substantive rules, on the basis of fundamental human rights, and refrained from using the Conference as a means of obtaining short-term advantages.

59. The CHAIRMAN announced that Austria, Costa Rica and Pakistan should be added to the list of sponsors of draft resolution A/C.6/L.964.

AGENDA ITEM 90

Draft convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons (*continued*) (A/8710/Rev.1, chap.III; A/9127 and Add.1, A/C.6/421, A/C.6/L.898, A/C.6/L.944 and Add.1-3, A/C.6/L.945-951 and Corr.1 and Rev.1, A/C.6/L.953-956, A/C.6/L.962, and Corr.2 and 3, A/C.6/L.965)

60. The CHAIRMAN announced that the consultations he had held concerning amendment A/C.6/L.951/Rev.1 had resulted in a compromise proposal (A/C.6/L.965).

The meeting rose at 12.55 p.m.

1451st meeting

Saturday, 1 December 1973, at 11.05 a.m.

Chairman: Mr. Sergio GONZÁLEZ GÁLVEZ (Mexico).

AGENDA ITEM 96

Respect for human rights in armed conflicts: report of the Secretary-General (*continued*) (A/9123 and Corr.1 and Add. 1 and 2, A/9215, A/C.6/L.964, A/C.6/L.966)

1. Mr. PALACIOS TREVIÑO (Mexico) observed that despite the prohibition of the threat or use of

force embodied in the Charter of the United Nations, armed conflicts continued to rage while the race to acquire new weapons of ever more refined cruelty continued. It was therefore not difficult to appreciate the considerable significance of the Diplomatic Conference which was to convene at Geneva in 1974 to reaffirm and develop international humanitarian law

A/C.6/SR.1451

applicable in armed conflicts. He pointed out in that connexion that his delegation was one of the sponsors of draft resolution A/C.6/L.964. There was every reason to hope that the outcome of the Diplomatic Conference would be good and find expression on the one hand in the strengthening of existing rules of humanitarian law and, on the other, in the adoption of complementary new rules.

2. The two draft Additional Protocols to the Geneva Conventions of 1949, prepared by the International Committee of the Red Cross (ICRC)¹ in co-operation with government experts, were a sound basis for discussion. The survey by the Secretariat (A/9215) also appeared extremely useful, although some of the conclusions therein were not fully satisfactory, as for example, in the case of the sections which were devoted to nuclear weapons.

3. In the eleventh preambular paragraph of resolution 3032 (XXVII), the General Assembly had already noted with concern that agreement had not emerged among government experts on drafts concerning a number of fundamental issues which the organizers of the Diplomatic Conference should bear in mind in preparing the agenda. In subparagraph (a) of that paragraph, the General Assembly referred to methods to ensure a better application of existing rules relating to armed conflicts. That brought to mind lacunae which limited the scope for action by the "protecting Power"—despite the obligation for States parties to a conflict to designate one—to the detriment of the important role which such a Power could play. The Conference should therefore examine the questions of the neutrality of the protecting Power, the consent of the States parties to the conflict and the scope of the role to be assumed by the protecting Power. Subparagraph (b) concerned definitions of military objectives and protected objects, a question which was the more urgent in that the distinction between military objectives and civilian objects had lost much of its meaning as a result of the appearance of new weapons whose effects were indiscriminate. Subparagraph (c) mentioned definitions of protected persons and combatants, responsive to the need for improved protection of civilians and of combatants in modern armed conflicts. In that connexion, the Conference should reaffirm existing norms concerning the protection of the civilian population and should prepare new rules which would take account of contemporary methods of warfare so that there should be no repetition of the hideous massacres of populations which had taken place in the Second World War and more recent conflicts. With regard to guerrilla warfare, mentioned in subparagraph (d), the traditional rules of law should be adapted to that new form of conflict, *inter alia*, to allow for a distinction between combatants and the civilian population and to ensure the reciprocal application of humanitarian law to the combatants. The problem of the prohibition of the use of weapons and methods of warfare which indiscriminately affected civilians and combatants, raised in subparagraph (e), was of particular importance. The Conference should also examine that question as a matter of priority. It would be fruitless and short-

sighted to attempt to protect wounded or prisoners of war without attempting at the same time to restrict the use of certain weapons which were indiscriminately lethal. His delegation was one of the sponsors of draft resolution A/C.1/L.650/Rev.2, submitted in the First Committee² in which the General Assembly invited the Diplomatic Conference of 1974 to consider the question of the use of napalm and other incendiary weapons, as well as other specific conventional weapons which might be deemed to cause unnecessary suffering or to have indiscriminate effects, and to seek agreement on rules prohibiting or restricting the use of such weapons. Lastly, subparagraph (h) concerned the definition of those armed conflicts of a non-international character which should be subject to rules additional to those contained in the Geneva Conventions of 1949. That problem was one of the most difficult to solve. The distinction between international and non-international armed conflicts encompassed all the problems arising in connexion with the exclusive jurisdiction of States and their security. Whatever the magnitude of those difficulties, it should never be forgotten that, regardless of the character of the conflict, the prime aim should be to protect the victims because such subtle distinctions had no impact on human suffering.

4. His delegation hoped that the Diplomatic Conference of 1974 would mark a considerable advance in humanitarian law. If that was to be so, all participants must demonstrate the most comprehensive good faith. If the international community could not prevent the outbreak of armed conflicts, it should at least endeavour to alleviate the sufferings which they caused. His delegation was one of the sponsors of draft resolution A/C.6/L.964 and hoped that the text could be adopted unanimously.

5. Mr. CEAUSU (Romania) said that, in any consideration of problems relating to humanitarian law, the idea to be borne in mind was that the complete safeguard against the suffering caused by conflicts consisted precisely in the elimination of wars and all international armed conflicts. Hence, full respect for human rights depended on the maintenance of peace between States—the principal goal pursued by the United Nations. The efforts of the Organization and all its States Members should thus be directed to the prevention of wars of aggression through the adoption of specific measures to prevent any resort to force and any infringement of the sovereignty of States or of the right of peoples to self-determination.

6. International humanitarian law applicable in armed conflicts, which had developed in the course of the twentieth century on the basis of numerous international conventions, was a significant element in the corpus of human endeavours in the juridical and intellectual fields for the general purpose of limiting the use of force and reducing its implications for the lives and health of human beings. The content of such humanitarian law was a reflection of the state of international law and of the methods of warfare prevalent at the time of its formulation. Such law was based on the idea that war was a lawful method of resolving conflicts

¹Geneva, June 1973.

²Subsequently adopted by the General Assembly as resolution 3076 (XXVIII).

of interest between States. It thus accepted war as a part of international life and the aim was merely to "humanize" it.

7. His delegation considered that international humanitarian law should be reaffirmed and developed in the light of the fact that contemporary international law prohibited and condemned wars of aggression. The rules of the new law should therefore be grounded from the outset on a clear distinction between the aggressor and the victim of aggression and their purpose should be to protect the victim of aggression in the exercise of the right of self-defence. In the formulation of new rules of humanitarian law, account must also be taken of the refinement of means and methods of warfare and of the existence of new weapons which struck indiscriminately against combatants and the civilian population, or military and non-military objectives.

8. International humanitarian law should be developed in two main directions. First, there should be increased protection for the civilian population and non-military objectives—an issue which was governed partially by the fourth Geneva Convention of 1949. To that end, it was essential to adopt the broadest possible definition of the civilian population and non-military objectives and to take steps to ensure their effective protection. Such steps should include: the prohibition of modern weapons of mass destruction, including nuclear weapons, and of any weapon or method of war which indiscriminately affected civilians and combatants. The prohibition of indiscriminate bombing, of reprisals, of the taking of hostages and of any other act of terror directed against the civilian population; the protection of objectives necessary to the survival of the civilian population, including economic objectives on which the well-being of a whole country depended; and the prohibition of blockades.

9. Secondly, new rules should be adopted with a view to limiting methods used to come up with the enemy and strengthening the protection of civilian health personnel and facilities in time of armed conflict.

10. The definition of combatants inevitably raised the problem of guerrillas. In reality, guerrilla warfare was a form of combat used in international armed conflicts and non-international armed conflicts alike, and his delegation did not consider that it was amenable to international regulation in the case of an internal conflict. On the other hand, guerrilla warfare in international armed conflicts was a form of national liberation struggle or war waged as a lawful defence against foreign occupation. There should therefore be an obligation in an international agreement whereby occupying forces would be required to respect the status of combatants of members of resistance and national liberation movements and to apply the rules of humanitarian law to them. The new rules should prohibit the use against guerrillas of any weapon of mass destruction and barbarous weapons and methods of warfare. They should also prohibit acts of terror against the population, deportations, transfers of population, reprisals and the taking of hostages. Similarly, captured guerrillas should be treated as prisoners of war.

11. Romania was most appreciative of the initiative taken by the ICRC and of its efforts to reaffirm and develop international humanitarian law, as a result of which the Swiss Central Council had convened the Diplomatic Conference on the subject which would meet in Geneva in February 1974. In its resolution 3032 (XXVII), the General Assembly had already expressed its appreciation to the ICRC for the interest it had shown in the matter. In the same resolution it had, however, noted that the work undertaken under the auspices of the ICRC had not led to general agreement on a number of fundamental issues relating to the development of humanitarian law. In that resolution the Assembly had urged all Governments and invited the ICRC to continue to seek to achieve a rapprochement in the positions of Governments on the problems that still had to be solved. It had proved possible to reach compromise solutions which would enable the coming diplomatic conference to consider proposals for the prohibition of the use of specific weapons deemed to cause unnecessary suffering and of weapons and methods of warfare which indiscriminately exercised their effects.

12. It should be noted in that connexion that the First Committee had already adopted at the present session a draft resolution inviting the Diplomatic Conference to consider the question of the use of napalm and other incendiary weapons as well as other specific conventional weapons which might be deemed to cause unnecessary suffering or to have indiscriminate effects, and to seek an agreement on rules prohibiting or restricting the use of such weapons.

13. A decision to that effect had been adopted by the twenty-second International Conference of the Red Cross held in November 1973 at Teheran. His delegation considered that the Diplomatic Conference should give priority to consideration of the proposals for the prohibition of the use of the most dangerous weapons, i.e. modern weapons of mass destruction. It agreed with the view of the Yugoslav delegation (1448th meeting) that the success and value of the work of the future Diplomatic Conference would depend on the manner in which the prohibition of weapons indiscriminately affecting civilians and combatants would be dealt with. His delegation also welcomed the recommendation adopted by the twenty-second International Conference of the Red Cross that national liberation movements should be invited to the future diplomatic conference.

14. In resolution 3032 (XXVII), already mentioned, the General Assembly requested the Secretary-General to prepare a survey of existing rules of international law concerning the prohibition or restriction of use of specific weapons. Document A/9215 prepared by the Secretariat in pursuance of that resolution was undoubtedly a commendable effort to collect documentation on the subject, but in the opinion of his delegation it did not meet the request made by the General Assembly. By doing no more than providing examples of the practice of States and a number of opinions held by various authorities, without endeavouring to derive from them rules of international law, the survey in question in no way helped to achieve the desired pur-

pose. His delegation reserved the right to submit to the Secretariat in due course observations and comments on that survey.

15. Mr. VALLADAO (Brazil) noted with satisfaction that document A/9215, which had been prepared in pursuance of the request in paragraph 4 of General Assembly resolution 3032 (XXVII), should prove an essential source for further work on the question of respect for human rights in armed conflicts. The Secretary-General's report (A/9123 and Corr.1 and Add.1 and 2), based on information received from the ICRC and other non-governmental bodies, should likewise prove most useful.

16. The way in which the problem of respect for human rights in armed conflicts was being studied fully confirmed the advantages of close co-operation between the United Nations and other international bodies in the consideration of matters of a specific or technical nature. It was therefore most satisfactory that parallel work was being done by the ICRC, whose efforts with a view to convening in 1974 the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts deserved the full recognition and support of the United Nations.

17. With regard to the prohibition of the use of certain methods and means of warfare, his delegation wished, in accordance with the observations it had formulated in the 1948th meeting of the First Committee during the examination of item 34 of the agenda, to reiterate its adherence to the principle that belligerent parties did not have an indiscriminate right with regard to the choice of weapons to harm the enemy. Such questions might well be covered in disarmament negotiations, but they also fell traditionally within the scope of international humanitarian law. It was therefore logical that the ICRC should deal with the matter.

18. After organizing preparatory work in 1971, 1972 and 1973, it had elaborated two draft Additional Protocols to the Geneva Conventions of 1949. Those documents had been sent to Governments and submitted to the twenty-second International Conference of the Red Cross held at Teheran in November 1973. One of the resolutions adopted by that Conference stated clearly that the texts would provide an excellent basis for discussion at the Diplomatic Conference to be held in 1974 (see A/9123/Add.2, annex, sect. IV). The ICRC deserved praise for its devotion to the cause of the reaffirmation and progressive development of humanitarian law.

19. His delegation welcomed the Swiss Federal Council's decision to convene the Diplomatic Conference in Geneva in 1974 and to invite the United Nations to participate as an observer at the Conference. It earnestly hoped that the Conference would be able to lay down supplementary rules and norms to guarantee the fundamental respect humanity should ensure for itself in all situations, however tragic they might be.

20. Mr. ESSONGUE (Gabon) expressed his keen appreciation of the statement made by the observer for Switzerland and paid a tribute to the Swiss Federal

Council for its initiative in convening the Diplomatic Conference which was to meet in February 1974.

21. His delegation wished to become one of the sponsors of draft resolution A/C.6/L.964.

22. Mr. YASSEEN (Iraq) said that armed conflicts would persist as long as unjust situations existed and that international organizations would continue to display inertia instead of seeking to remedy them. The international rules laid down in the Conventions of The Hague of 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949 had not kept pace with the technical progress achieved in the field of armaments since the Second World War. He expressed approval of the work of the ICRC, as a result of which two additional draft protocols had been worked out which would bring the Geneva Conventions of 1949 up to date; those drafts certainly would be a useful basis for discussion. He was grateful to the Swiss Federal Council for having offered to act as host to the international Conference on the subject due to meet in 1974.

23. His delegation considered that in order to bring the Geneva Conventions of 1949 up to date, account should be taken of United Nations law deriving from the Charter and of all the resolutions and instruments which completed it. With regard to the question of participation in the Conference, the national liberation movements should undoubtedly be invited. As the Ukrainian delegation had pointed out, they had so far not participated in the drafting of humanitarian law. Those movements were accomplishing an international task. His delegation therefore supported the Kenya amendment (A/C.6/L.966).

24. Mr. GÜNEY (Turkey) said that his delegation attached special importance to the question before the Committee and welcomed the survey prepared by the Secretariat, which should prove most useful to the international Conference to be convened by the Swiss Federal Council in February 1974, in which the Turkish Government would fully participate.

25. His delegation fully shared the view that full respect for the Charter and recourse to pacific means for the settlement of international disputes, as laid down therein, could bring an end to armed conflicts and to the suffering of innocent victims. Unfortunately the facts showed that those provisions were not applied in practice. The aims of the Conventions of The Hague of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949 had not been achieved, since the needless suffering caused by armed conflicts was all the time growing worse. International humanitarian instruments should be urgently reviewed or if necessary new ones should be prepared to ensure that, in the event of armed conflict, better protection would be afforded to the civilian population, prisoners and combatants.

26. Resolution XIII of the twenty-first International Conference of the Red Cross, held at Istanbul in 1969,³ had been the first to emphasize the urgency of reaffirming and developing humanitarian international law applicable to armed conflict. The debates at the

³See A/7720, annex I, sect. D.

Teheran Conference, held from 8 to 15 November 1973, had been constructive, particularly in connexion with the fact that it would be advisable to include "the Martens clause" (see A/9215, chap. I, part I, sect. 3) in the draft Additional Protocols.

27. His delegation shared the opinion of the Chairman on the title of the item before the Committee and considered that, in order to reflect its exact scope, it would be better to say: "The reaffirmation and development of humanitarian international law applicable in armed conflicts." It supported draft resolution A/C.6/L.964 and therefore considered that it might perhaps be desirable to amend operative paragraph 7.

28. Mr. HASSOUNA (Egypt) said that the importance his delegation attached to the question under consideration was well reflected in the active role his Government had played in the efforts undertaken in preparation of the Diplomatic Conference to be held in February 1974, whether in the United Nations or at the conferences of Government experts in 1971 and 1972 and the consultative meetings of experts in 1973. His delegation was most grateful to the ICRC for the extensive work it had done in preparing the Conference and, in particular, the draft Additional Protocols to the Geneva Conventions of 1949, which would constitute an excellent basis for discussion. It was true that the draft protocols had not resolved all the legal issues relating to armed conflicts. In his delegation's opinion a consensus on the many pending issues could result only from serious and intensive negotiations, once the diplomatic Conference was convened.

29. His delegation sincerely hoped that the coming Conference would achieve a breakthrough in the field of international humanitarian law applicable in armed conflicts. It recalled that only a limited number of States had taken part in the preparation of the Geneva Conventions of 1949 and hoped that the Conference of 1974 would benefit from the active participation of the countries of the third world. As those countries were invariably the victims of present day armed conflicts, their views should be fully taken into account in the formulation of the new rules.

30. Many of the issues relating to human rights in armed conflicts had been the subject of lengthy debates in the United Nations and had eventually led to the adoption of numerous resolutions. In accordance with the purposes of the Charter, the United Nations had confirmed certain principles and endorsed general standards concerning the application of basic humanitarian rules in armed conflict, with regard to the protection of the civilian population, the application of the provisions of the Geneva Conventions of 1949 to liberation movements, and the prohibition and limitation of the use of certain methods and means of warfare.

31. Many of the issues debated in the United Nations would be considered at the Diplomatic Conference of 1974. In his delegation's view, that Conference should give priority to the consideration of ways to ensure better application of existing rules relating to armed conflicts. Flagrant violations of basic human rights were still being carried out in areas of armed

conflict, as was evident from the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/9148 and Add.1). Paragraph 138 of that document stated that "the Special Committee has established that Israel is still following a policy which is contrary to the provisions of the applicable international law concerning occupation and is thereby violating the human rights of the population of the occupied Territories". It had certainly been for that reason that the twenty-second International Conference of the Red Cross, held at Teheran, had adopted a resolution, on 10 November 1973, in which the Conference expressed its deep concern at the immense sufferings of the civilian population of the occupied territories in the Middle East, resulting from the non-application of the fourth Geneva Convention of 1949, the Convention relative to the Protection of Civilian Persons in Time of War, and called upon the parties concerned to acknowledge and comply with their obligations under that Convention.

32. With regard to the application of the existing rules relating to armed conflicts, his delegation believed that all States parties to conventions on the laws of war should observe the legal obligations that they had undertaken in adhering to such conventions. Moreover, they should ensure respect for the provisions of those instruments in all circumstances and, to that end, contact the parties to the conflict.

33. His delegation felt, furthermore, that guerrilla warfare and the definition of combatants entitled to prisoner-of-war status were very important issues. The various declarations and resolutions adopted by the United Nations in connexion with the struggle of peoples against colonial and foreign domination and racist régimes must necessarily be taken into account, if the formulation of new rules on that subject was to conform to the progressive development of international law in that field, as reflected in State practice. His delegation welcomed the appeal made by the twenty-second International Conference of the Red Cross (A/9123/Add.2, annex, sect. IV) to invite national liberation movements recognized by regional intergovernmental organizations to participate at the Diplomatic Conference of 1974 as observers, in accordance with United Nations practice, since one of the aims was to improve the protection granted to national liberation movements under international humanitarian law.

34. The question of the definition of military objectives and protected objects was also of the utmost importance, in his delegation's opinion, in view of the tendency to regard ever-growing categories of objects as permissible targets for attack, particularly in the field of aerial warfare. That was why Egyptian experts, and others, had proposed that International Conferences of the Red Cross should adopt a rule to the effect that objects which were indispensable to the survival of the civilian population should never be the object of direct attacks or reprisals.

35. His delegation stressed the urgent need to elaborate detailed rules on prohibition or restriction of the use of certain weapons which had indiscriminate effects

or might cause unnecessary suffering. In that respect, his delegation welcomed the survey prepared by the Secretariat pursuant to General Assembly resolution 3032 (XXVII). His delegation also welcomed the fact that the First Committee had recommended to the General Assembly that it invite the Diplomatic Conference to consider the question of the use of napalm and other incendiary weapons. Furthermore, his delegation supported the resolution of the International Conference of the Red Cross (*ibid.*, sect. III) by which the Diplomatic Conference was urged to begin consideration at its 1974 session of the question of those and other similar conventional weapons.

36. His delegation believed that the task of the Diplomatic Conference was difficult and complex. The preparatory work carried out in recent years by ICRC and governmental experts would certainly be a great help in reaching an agreement on many legal rules relating to controversial issues. However, the success of that Conference was dependent upon the goodwill of all participants and the extent to which they believed in the need to adopt rules that would alleviate human suffering in armed conflict.

37. Mr. ROSENNE (Israel), exercising his right of reply, said that the questions concerning the fourth Geneva Convention of 1949 had already been the subject of a detailed examination by the Special Political Committee, where the representatives of Israel had fully explained their position. Furthermore, Israel had always considered that the Special Committee to investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had been established irregularly and unconstitutionally and none of the conclusions of that body were valid.

38. The CHAIRMAN announced that Australia, Gabon and Turkey should be added to the list of sponsors of draft resolution A/C.6/L.964.

AGENDA ITEM 90

Draft convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons (*continued*) (A/8710/Rev.1, chap. III; A/9127 and Add.1, A/C.6/421, A/C.6/L.898, A/C.6/L.944 and Add.1-3, A/C.6/L.951/Rev.1, A/C.6/L.962 and Corr.2 and 3, A/C.6/L.965)

39. The CHAIRMAN recalled that the Committee had not yet taken a decision on the set of final clauses adopted by the Drafting Committee, or on the text that the Drafting Committee had proposed that the Committee should include in its report to the General Assembly on the item under consideration, both of which appeared in document A/C.6/L.944/Add.3. The representative of the Soviet Union, who had asked at the 1449th meeting to be allowed to refer them to his Government, had, in the meantime, received the instructions for which he was waiting.

40. The Guyanese delegation had asked that a recorded vote be taken on the Drafting Committee's decision, which appeared in part II of document A/C.6/L.944/Add.3. Since that decision had been taken within the framework of an over-all compromise, he suggested that the representative of Guyana might agree to a

recorded vote on document A/C.6/L.944/Add.3 as a whole, rather than on part II of that document.

41. Mr. SANDERS (Guyana) accepted the Chairman's suggestion.

A recorded vote was taken on document A/C.6/L.944/Add.3.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chad, Chile, Colombia, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Laos, Lebanon, Luxembourg, Madagascar, Mali, Mexico, Mongolia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Senegal, South Africa, Spain, Sri Lanka, Sweden, Thailand, Togo, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Burma, Cuba, Libyan Arab Republic, Sudan.

The document was adopted by 85 votes to none, with 4 abstentions.

42. Mr. FEDOROV (Union of Soviet Socialist Republics) thanked the Chairman and the members of the Committee for having allowed his delegation the time to receive instructions from his Government and said that he had voted for the document under consideration, which had commanded the support of the overwhelming majority of members of the Committee.

43. The CHAIRMAN observed that, apart from the question of the title of the draft Convention, the only outstanding matters related to the item under consideration were those dealt with in document A/C.6/L.965, which contained a compromise proposal by the Chairman of the Sixth Committee based on consultations. He was prepared to continue his consultations, since he had not yet been authorized to put that document to the vote. Some delegations, although not opposed to the compromise texts, would be obliged to abstain if they were put to the vote in their existing form. Others found the texts unacceptable and had urged that they should be amended. In particular, a proposal had been made to delete part B, relating to reservations, and to replace it by a declaration on that subject by the Chairman. However, delegations had not agreed on the form which such a declaration should take, and consultations should be continued. Nor had any agreement been reached on the possibility of simply deleting part B.

44. In addition, it had been proposed that operative paragraph 4 of the draft resolution, or at least the

first phrase of that paragraph, should be deleted. A proposal had also been made to add a word in operative paragraph 6; that was a delicate matter, since that provision had been drafted with special care. Personally, he believed that the texts proposed in document A/C.6/L.965 represented a good compromise. Without in any way wishing to exert pressure on members of the Committee, he wished to draw their attention to the fact that they had little time left and asked whether they would agree to a continuation of the consultations. However, it would be worth trying to reach a generally acceptable solution. He wished to retain the possibility of making a further specific compromise suggestion.

45. In reply to a question by the representative of Algeria, the Chairman said that document A/C.6/L.965 contained only one compromise proposal by him and that the document as such did not have to be voted upon. Its sole purpose was to facilitate the consultations between delegations.

It was decided to continue the consultations on the texts contained in document A/C.6/L.965.

AGENDA ITEM 100

Inclusion of Chinese among the working languages of the General Assembly and the Security Council (A/C.6/423, A/C.6/L.961, A/C.6/L.967)

46. The CHAIRMAN observed that the Committee had before it three documents relating to the item under consideration: document A/C.6/423, which contained a letter from the Chairman of the Fifth Committee to the Chairman of the Sixth Committee and which reproduced the text of a draft resolution recommended to the General Assembly by the Fifth Committee; document A/C.6/L.961, which contained a note by the Secretary-General suggesting possible amendments to the relevant provisions of the rules of procedure of the General Assembly in view of the inclusion of Chinese among the working languages of the General Assembly; and document A/C.6/L.967, which contained a draft resolution submitted by seven countries, which had subsequently been joined by the following countries: Colombia, Egypt, France, Gabon, Guinea, Libyan Arab Republic, Mali, Nicaragua, Peru, Spain, Sri Lanka, Uganda, Yemen and Zaire.

47. Mr. IKRAMULLAH (Pakistan), introducing draft resolution A/C.6/L.967 on behalf of the sponsors, said that its aim was to give effect to the consequences deriving from the adoption by the Fifth Committee on 29 October 1973 of the draft resolution in document A/C.5/L.1110, in which the General Assembly was recommended to include Chinese among its working languages and to amend accordingly the relevant provisions of its rules of procedure. The draft resolution did not require much explanation; it was based on the Secretary-General's suggested amendments to the rules of procedure, as set forth in his note contained in document A/C.6/L.961. The sponsors of the draft resolution, who agreed with the Secretary-General's proposals, had reproduced in operative subparagraph (a) of the draft resolution the text of the amendments to rules 51 to 59 of the rules of procedure proposed by him. They had, however, made a minor change to the text and heading of rule 51, so as to indicate more

clearly that there were two categories of languages in the General Assembly—official languages and working languages. The sponsors of the draft resolution agreed with the Secretary-General that, as a result of the adoption of Chinese as a working language, the distinction between official languages and working languages no longer existed for all practical purposes.

48. The text of rules 52 to 59 was as suggested by the Secretary-General in his note. Those rules were self-explanatory, as was operative subparagraph (b) of the draft resolution.

49. Mr. KRISPIS (Greece) endorsed the draft resolution, which was extremely well drafted.

50. The CHAIRMAN noted that the draft resolution appeared to command general approval.

The draft resolution was adopted without objection.

51. The CHAIRMAN observed that, if and when agenda item 104, concerning the inclusion of Arabic among the official and working languages of the General Assembly, its committees and sub-committees, was referred to the Sixth Committee by the Fifth Committee, it was to be understood that any later decision resulting from consideration of that question relating to the rules just amended by the Sixth Committee under item 100 would not be regarded as reconsideration within the meaning of rule 125 of the rules of procedure.

52. Mr. BOZANGA (Central African Republic), Rapporteur, suggested that the title of the draft resolution which had just been adopted should be: "Inclusion of Chinese among the working languages of the General Assembly: amendments to rules 51 to 59 of the rules of procedure of the General Assembly". That draft would be in the report as a recommendation of the Committee to the General Assembly.

53. Mr. LING Ching (China) expressed his appreciation to the sponsors of draft resolution A/C.6/L.967 and to the delegations which had supported it. He also thanked the Chairman and the members of the Secretariat for the efforts which they had made to carry out the study of the item.

AGENDA ITEM 99

Report of the Committee on Relations with the Host Country (A/9026, A/C.6/424)

54. Mr. SANDERS (Guyana), Rapporteur of the Committee on Relations with the Host Country, introducing the report of that Committee (A/9026), said that the Working Group established by it had had to consider all the topics on the Committee's agenda which were listed in paragraph 5 of the report, with the exception of the security of missions and their personnel, which the Committee had kept under constant review in plenary meetings. The Working Group had held 11 meetings and the Committee 8. The Working Group had largely completed its study of three items on the Committee's agenda: the public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations; question of provision of an identity document for members of the families of diplomatic personnel, non-diplomatic staff of mission, and

members of the United Nations Secretariat in New York; and acceleration of customs procedures. Its findings on those three items were in its first report, annexed to the report of the Committee. Among the other questions that the Working Group had examined were a comparative study of privileges and immunities, exemption from real estate taxes, the possibility of establishing at United Nations Headquarters a commissary to assist diplomatic personnel as well as staff, housing for those two categories of staff, transportation, insurance and entry visas issued by the host country. The Working Group intended to give further consideration to those topics.

55. Two closely related questions, obligations of permanent missions and diplomats and the security of missions and their personnel, had given rise to particular difficulties for the Working Group and the Committee. The first of those questions, in particular the parking of diplomatic vehicles and the measures recently adopted by the host country in that regard, had been carefully examined by the Committee. Some members of the Committee had appealed to the host country to consider the possibility of terminating the application of all measures recently adopted, especially the handing out of summonses to diplomats and the towing away of their vehicles. Furthermore, most members of the Committee had appealed to the host country to cancel the procedure regarding parking tickets, whose cancellation required a signed first-person letter from the head of mission himself. However, the delegation of the host country had pointed out that the measures recently taken were necessary in the interest of public safety, especially when the parked vehicles constituted an obstruction to traffic or the fire department. Consultations had begun and would be continued with a view to finding a solution to those problems.

56. During the debate on the security of missions and their personnel, it was pointed out that, with one exception, none of the perpetrators of crimes committed against missions and their personnel had been convicted. In the first of its recommendations (*ibid.*, para. 46), the Committee expressed its concern over the fact that, with a single exception of which it had been made aware, no person or group responsible for the acts of violence, harassment and other crimes and offences committed against diplomatic missions,

had been prosecuted and convicted by the host country authorities. The representative of the host country had denied that assertion in a note reproduced in document A/C.6/424. It had asserted that over the years, many arrests had been made in connexion with criminal acts committed against diplomats and diplomatic missions in New York; as a result of those arrests, a number of prosecutions had taken place and were taking place in the state and federal courts in New York. A partial list of cases in which convictions had been obtained was contained in an annex to the note submitted by the United States of America. The note also stated that one of the problems encountered by the courts had been the unwillingness of diplomats to appear in court when hearings and trials were held. Since, under American law, accused individuals were entitled to face their accusers, cases were frequently lost when diplomats refused to appear in court and prosecuting authorities were not able to introduce the evidence required to prove the guilt of the accused individual.

57. The CHAIRMAN invited delegations to undertake consultations with a view to preparing a draft resolution on the agenda item under consideration.

Organization of work

58. The CHAIRMAN suggested that the next meeting of the Sixth Committee should be held on Monday, 3 December 1973 at 4 p.m. in order to enable delegations to attend the opening of the first session of the Third United Nations Conference on the Law of the Sea, scheduled for 3 p.m.

59. Mr. SHITTA-BEY (Nigeria) expressed the hope that the Committee would not meet before 5 p.m., so that delegations would not have to leave the opening meeting of the Conference on the Law of the Sea before its end. It would perhaps be preferable if the Committee, instead of an afternoon meeting, held a night meeting.

60. Mr. TESLENKO (Deputy Secretary of the Committee) explained that it would not be possible, before Monday morning, to know whether the competent services would be able to organize a night meeting.

61. The CHAIRMAN said that he would leave the question in abeyance until Monday morning.

The meeting rose at 1.15 p.m.

1452nd meeting

Monday, 3 December 1973, at 4.20 p.m.

Chairman: Mr. Sergio GONZÁLEZ GÁLVEZ (Mexico).

A/C.6/SR.1452

AGENDA ITEM 96

Respect for human rights in armed conflicts: report of the Secretary-General (*continued*) (A/9123 and Corr.1 and Add.1 and 2, A/9215, A/C.6/L.964, A/C.6/L.966, A/C.6/L.968, A/C.6/L.969)

1. Mr. KUSSBACH (Austria) recalled that, in resolution 3032 (XXVII), the General Assembly had noted that agreement had not emerged among government experts on a number of fundamental issues. Since the adoption of that resolution, however, considerable work had been done, and the International Committee