

strengthen the role of the United Nations, which was still the best hope for peace. He was pleased to see that there was now a greater degree of agreement concerning the importance of the two agenda items under consideration.

80. Mr. BAROODY (Saudi Arabia) said that the statement by the representative of the Philippines made it very clear that the review of the Charter did not necessarily mean tampering with the purposes and principles of the United Nations but rather ascertaining whether there was any possibility of amplifying the Charter by adding provisions to cover new developments in international life. He

cautioned against abolishing the veto without being sure that it would not be replaced by something worse.

81. He suggested that the sponsors of the draft resolution should consider rewording its operative paragraph 5 so that the Secretary-General was asked not to analyse the views expressed by Governments but merely to consolidate them in one document. Member States would have to reach a decision on the matter among themselves and should not ask the Secretary-General to express views of his own.

The meeting rose at 1.30 p.m.

1577th meeting

Monday, 1 December 1975, at 3.20 p.m.

Chairman: Mr. Frank X. J. C. NJENGA (Kenya).

A/C.6/SR.1577

AGENDA ITEMS 114 AND 70

Respect for human rights in armed conflicts: report of the Secretary-General (concluded) (A/10195 and Corr.1 and Add.1, A/C.6/L.1025/Rev.1)

Human rights in armed conflicts: protection of journalists engaged in dangerous missions in areas of armed conflict (concluded) (A/10147, A/C.6/L.1025/Rev.1)

1. Mr. KRISPIS (Greece) thanked the Secretary-General for his fine report on the second session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (A/10195 and Corr.1 and Add.1). As it would serve no practical purpose to enter into a discussion of the substantive work of the Conference, his delegation would confine itself to expressing its satisfaction with the progress made by the Conference thus far and its hope that the Conference would successfully complete its task at its next session. His delegation was particularly pleased with the careful consideration the Conference had given to the question of protecting journalists engaged in dangerous missions in areas of armed conflict. Journalists must be vigorously protected while exercising their professional activities in areas of armed conflict, not only for their own sake but more importantly for the sake of the public they served, which must be kept informed of developments concerning armed conflicts.

2. Since the end of the Second World War the world had unfortunately experienced many armed conflicts; hence the need to have rules of humanitarian law applicable to such conflicts. Accordingly, the first task of the Conference had been, correctly, to reaffirm the various rules of humanitarian law in that regard. The second and no less important task had been to develop those rules. In so doing, it was necessary, *inter alia*, to take into account the experience of armed conflicts since the adoption of the 1949 Geneva Conventions in order to both modify and supplement the relevant rules of international legislation. The final text which the Conference would elaborate must contain sound

and practical principles in keeping with the technological conditions of modern warfare.

3. His delegation supported draft resolution A/C.6/L.1025/Rev.1 and hoped that it would be adopted by consensus. The modification of the last preambular paragraph, as suggested by the French delegation, was most welcome.

4. On behalf of his Government, he expressed appreciation to Switzerland for its role with regard to the Conference and also thanked the International Committee of the Red Cross (ICRC) for its valuable contribution in connexion with the Conference.

5. The CHAIRMAN announced that Canada and Zambia should be added to the list of sponsors of draft resolution A/C.6/L.1025/Rev.1.

6. Mr. BAVAND (Iran) said that the reaffirmation and progressive development of international humanitarian law, particularly in the area of armed conflicts, should be given priority attention. In principle, there was international recognition that the means and methods of warfare were restricted by the *mores* of civilized behaviour. Yet modern means of warfare largely regarded as contrary to the spirit—if not the letter—of international law were widely employed in the interest of “military necessity”. In the past 40 years certain means and methods of warfare had been used which contravened two fundamental principles of international law, namely that weapons should not cause unnecessary suffering and that they should not be indiscriminate in their effects. There was an urgent need to reaffirm the primacy of humanitarian considerations over the demands of political and military expediency.

7. The first step towards the achievement of that noble objective was for all States to acknowledge and strictly comply with the existing international humanitarian legal instruments, such as the Geneva Protocol of 1925, the Geneva Conventions of 1949 and relevant resolutions adopted by various international forums, for example,

resolution XXVIII of the XXth International Conference of the Red Cross held in Vienna in 1965, resolution XXIII of the International Conference on Human Rights held at Teheran in 1968 and General Assembly resolution 2444 (XXIII). His delegation appreciated the inclusion of that important concept in the first paragraph of draft resolution A/C.6/L.1025/Rev.1.

8. In view of the ever-growing indiscriminate nature and incapacitating effects of modern conventional weapons, it was more urgent than ever to reaffirm and develop the rules of international law for the protection of victims of armed conflicts. For that reason, his delegation attached special importance to the work of the Diplomatic Conference. His delegation had studied with special interest the Secretary-General's report on the second session of the Conference, which had made substantial progress, due largely to the co-operative spirit displayed by the participants in their willingness to compromise on many controversial issues. It was to be hoped that all participants in the Conference would continue in the same spirit of co-operation with a view to reaching agreement on the remaining articles and additional rules which would help to alleviate the suffering brought about by armed conflicts.

9. Without entering into a discussion of the substance of the subject, his delegation welcomed the progress made by the Conference in the matter of protecting journalists engaged in dangerous professional missions in areas of armed conflict. That progress constituted a significant advance in the progressive development of international humanitarian law, and his delegation hoped that the Conference would be able to complete its work on that subject during its next session.

10. With regard to the work of Committee III of the Conference concerning international armed conflicts, two important achievements should be singled out for special attention. First of all, the important question taken up in article 33 of draft Protocol I concerning the legal restraints on methods of warfare had been solved in a way acceptable to all. The abstract and general norms set forth in article 33 laid the groundwork for a future treaty prohibiting specific classes of weapons or certain uses of weapons. It was also noteworthy that article 44 of draft Protocol I had for the first time extended the rules of war in a comprehensive way to cover air warfare. That was particularly important because incendiary weapons were mostly dropped from the air. The most indiscriminate uses of such weapons were those where civilian populations were bombarded from the air and it was that which had given rise to the greatest international concern. The need for rules governing air warfare was more pressing today than ever before and article 44 constituted a significant advance in the progressive development of international humanitarian law in that field.

11. Mr. HAFIZ (Bangladesh) said that his delegation attached great importance to the question of respect for human rights in armed conflicts and would support any measure designed to develop international humanitarian law in that field and to modernize the existing international rules applicable in armed conflicts. Though theoretically armed conflicts were condemned, it appeared to be impossible to eliminate them in present-day circumstances.

It was therefore incumbent upon the international community to endeavour to eliminate the most inhuman effects of armed conflicts and to keep human suffering to the utmost minimum.

12. The existing international humanitarian rules were not sufficient to protect civilian populations against the horrifying technological developments of modern warfare. Nevertheless, it was necessary not only to reaffirm the existing humanitarian laws and ensure their strict application but also to take more positive steps for their progressive development to meet the changing conditions of modern warfare.

13. His Government had therefore welcomed the initiative of the Swiss Federal Council in convening the two sessions of the Diplomatic Conference in 1974 and 1975 to modernize the existing humanitarian laws applicable in armed conflicts and the organization of the first Conference of Government Experts by ICRC. Bangladesh had actively participated in the two sessions of the Diplomatic Conference and had had the privilege of serving as Chairman of the Drafting Committee at the second session of the Conference. A great deal of valuable work had been accomplished at the second session and his delegation hoped that additional rules to reduce the sufferings of non-combatants and civilians in armed conflicts and to protect journalists engaged in dangerous missions in areas of armed conflict would be agreed upon and finalized at the next session of the Conference.

14. His Government was most grateful to the Swiss Federal Council for offering to host the third session of the Conference and to ICRC for planning to convene the second session of the Conference of Government Experts on the Use of Certain Conventional Weapons.

15. His delegation wished to place on record his Government's deep appreciation for the outstanding humanitarian services rendered by ICRC in Bangladesh during the 1971 armed conflict and thereafter. ICRC was still engaged in various humanitarian activities in Bangladesh. His delegation also appreciated the excellent survey made by the Secretariat on the existing rules of international law concerning humanitarian problems in armed conflicts. The report of the Secretary-General was a valuable and helpful document for the deliberations of the Sixth Committee.

16. His delegation had noted with great satisfaction the constructive co-operation established between the United Nations and other humanitarian organizations, particularly ICRC, concerned with the progressive development and reform of international humanitarian law. His delegation supported draft resolution A/C.6/L.1025/Rev.1 and would like the name of Bangladesh to be added as one of the sponsors. He hoped that the draft resolution would be adopted by consensus.

17. Mr. JACHEK (Czechoslovakia) said that the best guarantee for the protection of human rights would be the elimination of all armed conflicts and their causes. The efforts of all States should therefore be directed primarily to the achievement of that goal. Realistically, however, it must be recognized that a number of armed conflicts continued to take place as a result of the aggressive policy

of the imperialist and colonial Powers. Human rights and the fundamental principles of international law were being grossly violated in those conflicts and civilian populations were subjected to particularly severe suffering. The most tragic example of such a conflict had been the aggressive war in Viet-Nam, which had ended earlier in 1975 with the victory of the heroic Viet-Name people. His delegation greatly regretted the fact that the representatives of the Provisional Revolutionary Government of the Republic of South Viet-Nam had been prevented from participating in the first two sessions of the Conference.

18. It was of the utmost importance to ensure compliance with the existing international legal instruments in the field of international humanitarian law, particularly the four Geneva Conventions of 1949. Czechoslovakia welcomed the commencement of work on the two draft Additional Protocols to the Geneva Conventions, which were designed to provide more effective protection of human rights under present-day conditions. A Czechoslovak delegation had participated in the work of both sessions of the Diplomatic Conference and continued to attach great importance and urgency to that work.

19. The second session of the Diplomatic Conference had achieved important results in the codification of international humanitarian law applicable in armed conflicts. The articles formulated at that session represented a compromise acceptable to all States. It was to be hoped that the third session of the Conference, in 1976, would be able to complete the codification work and that the Additional Protocols would make a significant contribution to the development of that important field of international law. A commendable spirit of understanding and business-like procedure had prevailed at the second session of the Conference, and his delegation hoped that the third session would continue to work in the same spirit. His delegation would support the adoption of draft resolution A/C.6/L.1025/Rev.1.

20. Mr. BELOUSOV (Ukrainian Soviet Socialist Republic) observed that the second session of the Diplomatic Conference had made significant progress in its work on the elaboration of two draft Additional Protocols to the Geneva Conventions of 1949. Agreement had been reached on several articles which had posed serious problems, and the work of the Conference had proceeded in a constructive and business-like atmosphere. In particular, new rules had been formulated to protect the civilian population and civilian objects from dangers arising from military operations and to prohibit some methods of combat causing unnecessary suffering to the civilian population. Most of the participants in the Conference had correctly proceeded on the basis of the fundamental rules laid down in the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949. A number of drafting points would have to be refined further, but it should be emphasized that such drafting changes must not affect the substance of the decisions taken at the two sessions of the Conference concerning the contents of individual articles of the draft Additional Protocols.

21. One of the most important accomplishments of the Diplomatic Conference was the extension of the field of application of the Geneva Conventions of 1949 and draft

Protocol I to armed conflicts of national liberation movements directed against colonial domination, foreign occupation and racist régimes.

22. Of particular importance were provisions of article 42 of draft Additional Protocol I concerning new categories of prisoners of war. That article dealt specifically with the rights of combatants engaged in national liberation movements. During the discussion it had been correctly observed that such rights should not be enjoyed by colonial mercenaries being used to attempt to suppress the just struggle of peoples against colonialism. Instances of the cruelties and violence perpetrated by such soldiers of fortune were amply illustrated in the conflicts in the former Belgian Congo, Biafra and other parts of Africa. Mercenaries were once again plying their bloody trade in Angola under the direction of the racist régime of South Africa. According to press reports, they were recruited in the United States of America and in other Western countries which had taken part in the aggression in Indo-China and other colonial wars. That situation was intolerable. Those soldiers of fortune must realize that they would be treated as criminals if they took part in suppressing national liberation movements and served the cause of neo-colonialism, racism and *apartheid*. The General Assembly had condemned mercenaries as criminals and outlaws and had appealed at its twenty-fifth session (resolution 2708 (XXV)) to all States not to permit the recruitment, financing or training of mercenaries in their territories and to prohibit their nationals from serving as mercenaries. That condemnation was forcefully reaffirmed in General Assembly resolution 3103 (XXVIII). His delegation was confident that a similar condemnation would be incorporated in the relevant articles of draft Protocol I.

23. His delegation hoped that the Diplomatic Conference would successfully conclude its work on the Additional Protocols at its third session, in 1976. The prospects for the success of the Conference would be greatly enhanced if it refrained from considering extraneous issues, such as disarmament questions and, in particular, the question of prohibiting the use of specific categories of so-called conventional weapons. That question was not within the competence of the Diplomatic Conference and his delegation could not accept the provisions of draft resolution A/C.6/L.1025/Rev.1 in that regard.

24. Mr. OLMOS (Argentina) expressed appreciation to the Secretary-General for his excellent reports on the items under consideration and satisfaction with the results achieved thus far at the two sessions of the Diplomatic Conference. Important progress had been made in protecting the rights of non-combatants, in particular journalists engaged in dangerous missions in areas of armed conflicts. His delegation supported draft resolution A/C.6/L.1025/Rev.1 and requested that its name should be added to the list of sponsors.

25. Mr. TODOROV (Bulgaria) said that his delegation attached great importance to the item on respect for human rights in armed conflicts, a subject which was of great significance and urgency in the contemporary world. The second session of the Diplomatic Conference had produced encouraging results; a number of generally acceptable formulations had been adopted, due to the spirit of

constructive co-operation that had prevailed at the Conference. There was every reason to believe that the third session would successfully complete its work on the draft articles for the two Additional Protocols.

26. His delegation wished to reiterate its view that two separate Protocols should be worked out, one dealing with the protection of victims in international armed conflicts and another concerning the protection of victims in non-international armed conflicts.

27. His delegation welcomed the decision to include in draft Protocol I an article on the protection of journalists engaged in dangerous missions in areas of armed conflict instead of preparing a separate convention on that question.

28. With regard to the future work of the Conference, his delegation recommended that the question of the possible prohibition or limitation of specific conventional weapons should be left for decision by the First Committee of the General Assembly, which was currently considering a draft resolution on that subject. It would also be useful to include in the two draft Protocols a reference to the Definition of Aggression. Similarly, his delegation would suggest that the draft Protocols should include a reference to the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes or of crimes against humanity, as defined in General Assembly resolution 3074 (XXVIII).

29. Mr. ALVAREZ PIFANO (Venezuela) said that his country attached great importance to the question of respect for human rights in armed conflicts and was satisfied with the results of the second session of the Diplomatic Conference. The Conference should continue its efforts with a view to the formulation of new provisions to protect non-combatants and civilian property, to prohibit the use of weapons having indiscriminate effects and, most importantly to prohibit and restrict the use of certain conventional weapons of a nature to cause superfluous injury or unnecessary suffering. His delegation was confident that the Diplomatic Conference would continue its work of reaffirming and developing humanitarian law, without regard for particular interests and political and ideological differences. His delegation paid tribute to the humanitarian efforts of ICRC and expressed its gratitude to the Swiss Government for convening the various sessions of the Diplomatic Conference.

30. His delegation supported the efforts to formulate international instruments to ensure the protection of journalists engaged in dangerous missions in areas of armed conflict, based on respect for the sovereignty of States and the realistic character of the means of protection foreseen. It hoped that the Conference at its next session would complete its work on that topic, which was of great concern to the international community.

31. His delegation felt that draft resolution A/C.6/L.1025/Rev.1 took satisfactory account of opinions expressed in the Committee. It was clear that no one was opposed to improved application of the rules of humanitarian law in armed conflicts and no one had denied the need to formulate new rules to mitigate the suffering caused by such conflicts.

32. His delegation attached particular importance to the last preambular paragraph of the draft resolution, which reflected the political, military and technological aspects of recent international and non-international conflicts. The inclusion of that paragraph and its approval by the Committee should be understood as an expression of the wish of the international community to find a constructive and humanitarian solution to the problems raised by the existence and increasing development of conventional weapons which were excessively injurious or had indiscriminate effects. His delegation agreed fully with the humanitarian spirit of that paragraph and hoped that the draft resolution would be approved by acclamation.

33. Mr. ROSENSTOCK (United States of America), speaking in exercise of the right of reply, said that with regard to the remarks made about mercenaries in Angola, the Committee had just heard an example of the big lie technique resorted to by totalitarian régimes. Those who intervened in Africa could not hide the nature of their acts by accusing the innocent. Photographs in the press had identified the new would-be colonizers of Africa, one of which had been a colony itself. Big lies could not hide the facts.

34. The CHAIRMAN suggested that the Committee should adopt draft resolution A/C.6/L.1025/Rev.1 without a vote.

The draft resolution was adopted.

35. Mr. KOLESNIK (Union of Soviet Socialist Republics), speaking in explanation of vote, said that his delegation had not objected to draft resolution A/C.6/L.1025/Rev.1 in that, as his delegation had stated at the 1575th meeting, it provided a solid basis for wide agreement. However, not all of its provisions fully satisfied his delegation, in particular the last preambular paragraph. As his delegation had also stated at that meeting, the Diplomatic Conference was not competent to consider the question of prohibiting the use of certain types of weapons. That matter was a disarmament question which should be considered by the appropriate bodies.

36. Mr. GOERNER (German Democratic Republic) said that his delegation had supported draft resolution A/C.6/L.1025/Rev.1 but was dissatisfied with the last preambular paragraph. The Diplomatic Conference was not the competent organ to consider the use of specific conventional weapons and their eventual prohibition or restriction. The matter should be left to the consideration of the appropriate United Nations bodies.

37. Mr. JEANNEL (France) said that his delegation had not wanted to oppose the adoption of draft resolution A/C.6/L.1025/Rev.1 by consensus, as France attached particular importance to the question of human rights. He did, however, regret the inclusion at the last moment of an extraneous element, more properly dealt with under the question of disarmament. The introduction of such a political element into the discussion, which thus far had been calm and oriented towards the issues, could not fail to detract from the discussion. He disagreed with those who said that the draft resolution adequately expressed the view of the Committee, and referred to the obvious difficulties

that many delegations had had in accepting the last preambular paragraph. If the General Assembly adopted the draft resolution as it stood, it would interfere with the activity of a sovereign conference.

38. Mr. ENKHTSAIKHAN (Mongolia) expressed his delegation's general satisfaction that draft resolution A/C.6/L.1025/Rev.1 had been adopted by consensus, but said he regretted that the last preambular paragraph had been included. The matter referred to in that paragraph was already under consideration in other bodies, notably the First Committee.

39. Mr. BELOUSOV (Ukrainian Soviet Socialist Republic) said his delegation could not agree with the reference in the draft resolution just adopted to the consideration by the Diplomatic Conference of the prohibition of certain types of conventional weapons.

40. Noting that a representative had reacted to his reference to the fact that mercenaries fighting in Angola were being recruited in the United States of America, he referred to articles in the United States press in June 1975 saying that an agency in the United States had begun recruiting mercenaries to fight in Angola. It had been announced that an investigation of the matter was to be carried out by the State Department and he would be interested to know the results of that investigation.

41. Mr. RASSOLKO (Byelorussian Soviet Socialist Republic) said that his delegation had supported draft resolution A/C.6/L.1025/Rev.1, although not all of its provisions were satisfactory to his delegation. It was especially difficult to accept the last preambular paragraph, as the Diplomatic Conference was not competent to consider the question of the use of conventional weapons. That matter should be considered separately within the framework of a disarmament conference.

AGENDA ITEM 112

Report of the Committee on Relations with the Host Country (*concluded*)* (A/10026, A/C.6/L.1027)

42. The CHAIRMAN announced that Cyprus had become a sponsor of draft resolution A/C.6/L.1027.

43. Mr. ROSSIDES (Cyprus), introducing draft resolution A/C.6/L.1027 on behalf of the sponsors, said that the first part of operative paragraph 10 should be revised to read: "*Urges* the host country, the Secretariat, the diplomatic community and organizations concerned to seek in every way the improvement . . .".

44. He noted with deep regret that the bulk of the work done in 1975 by the Committee on Relations with the Host Country had been concerned with further incidents of violence and other unlawful acts of harassment against missions and their property. The most serious of those incidents had involved the firing of shots at mission premises and the placement of bombs.

45. The preamble of the draft resolution expressed concern over the unlawful acts committed against missions and

recalled the responsibility of the host country in that regard. The operative part of the draft resolution further expressed the Assembly's deep concern at the acts of violence, harassment and vandalism perpetrated against missions and condemned all such acts as fundamentally incompatible with the status of missions under international law. Various appeals were addressed to the host country, urging it to do its utmost to ensure the security of missions and their personnel, including taking all measures to apprehend and punish the perpetrators of such acts.

46. The draft resolution further stressed the need to improve relations between the diplomatic community and the local population, noting with appreciation the efforts of the host country, the local community and the New York City Commission for the United Nations and for the Consular Corps to promote understanding in that regard and to provide hospitality as well as services to diplomats. Both the preamble and the operative part of the draft resolution made reference to the obligations of missions to respect local laws and regulations, specifying that that was without prejudice to the privileges and immunities enjoyed by diplomats under international law. The draft resolution further provided for the continuation of the work carried out by the Committee on Relations with the Host Country since 1971 in accordance with its mandate.

47. He commended the draft resolution to the Sixth Committee in the belief that it struck a fair balance between the rights of missions accredited to the United Nations and the corresponding duties of those missions. He expressed the hope that the draft resolution, which was the fruit of extensive consultations and took into account the recommendation of the Committee on Relations with the Host Country, would command the unanimous support of the members of the Sixth Committee.

48. Mr. ROBERTSON (Canada) said that his country agreed with the general thrust of the draft resolution but could not whole-heartedly support it. His delegation could not accept the final phrase of operative paragraph 7 dealing with the ticketing of diplomatic vehicles, as it was Canadian practice to serve summonses to diplomats in such situations.

Draft resolution A/C.6/L.1027, as orally revised, was adopted unanimously.

49. Mr. ROSENSTOCK (United States of America) said that his delegation had raised no formal objection to the adoption of the draft resolution because its paragraphs were for the most part not in themselves particularly objectionable, although there had been some changes from the generally agreed text. It was perhaps somewhat in the nature of the item itself and characteristic of much of the work of the Committee on Relations with the Host Country thus far that the focus of the discussion and the draft resolution had been so largely on the problems and complaints of a few, without giving adequate recognition to the positive aspects of life in a great metropolitan centre and the efforts undertaken by Federal, State and local authorities and citizens to provide the basics and even the amenities for the adequate functioning of missions. He hoped that those New Yorkers who had so generously contributed their efforts towards extending hospitality

* Resumed from the 1560th meeting.

would not be discouraged by the tone of the draft resolution which reflected, at great length and in questionable language, the problems of a few missions.

50. The citizens of New York were expected to recognize that the occasional diplomat who parked by a fire hydrant, refused to pay his bills or conducted himself in an anti-social manner was the exception; so too the diplomatic community should recognize that the occasional reprehensible incident involving a mission was the exception. The difficult aspects of life in a major metropolis such as New York were one of the unavoidable consequences of those factors which made life in the city interesting and stimulating.

51. His delegation condemned acts of violence and harassment against diplomatic missions and their personnel. He wondered, however, whether the sponsors of the draft resolution who so strongly condemned acts against diplomats had for instance ever signed the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. Some delegations seemed to expect the host country to maintain higher standards than they themselves attempted to maintain.

52. A serious problem with the draft resolution was that a reader who was not fully aware of the background could conclude that missions were in a situation of virtual siege in New York City, that diplomats were people who focused on the negative aspects of a situation in an unrealistic and one-sided manner and had no interest or concern for their own responsibilities to the host community or the problems they created. Such one-sided resolutions made little contribution to the type of understanding called for in operative paragraph 10 of the draft resolution.

53. Mr. STEEL (United Kingdom) expressed agreement with the statement by the United States representative; his country too was a host country and could see the problem in perspective. Although his delegation was in fundamental agreement with the tenor of the draft resolution, he felt it necessary to make some detailed criticism of its provisions. Whereas most of the provisions were similar to those in previous resolutions on the matter, some were new and out of balance and he regretted their inclusion.

54. He felt the fourth and fifth preambular paragraphs placed excessive emphasis on certain isolated instances which were themselves deplorable but should not be allowed to distort the general picture of friendship, hospitality and assistance which all delegations enjoyed in all save exceptional instances. Moreover, he had serious doubts as to whether two of the paragraphs were accurate as propositions of law. With regard to the seventh preambular paragraph, he had doubted whether it was correct to say that the duty of diplomatic missions to respect the laws of the host country was in any way subordinate to the enjoyment of their privileges and immunities under international law. The duties and privileges of diplomatic missions were equal concepts and there was no hierarchy between them. Referring to operative paragraph 2, he doubted whether it was right to suggest that "any acts of violence and other criminal acts against the premises of missions and their personnel" must necessarily be regarded

as incompatible with the status of diplomatic missions under international law. Many such acts might be incompatible, others no doubt were, but the matter was far from clear. He regretted that such exaggerated language had disfigured the draft resolution.

55. Mr. JEANNEL (France) said that his delegation had associated itself with the consensus by which the draft resolution was adopted. While he appreciated the general moderation in the language, he felt that some provisions were ambiguous and excessive. Any country which acted as host to international organizations was confronted with difficulties, especially in so far as that country allowed freedom of thought and expression. He was not convinced that some of the provisions were absolutely essential or that they did not go beyond what a host country could promise. He felt that in general the Committee and the General Assembly should avoid subjects giving rise to polemics and excesses of language.

AGENDA ITEMS 113 AND 29

Report of the *Ad Hoc* Committee on the Charter of the United Nations (continued) (A/10033, A/10102, A/10108, A/10113 and Corr.1 and Add.1-3, A/C.6/437, A/C.6/L.1028, A/C.6/L.1030)

Strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States: reports of the Secretary-General (continued) (A/10218, A/10219, A/10255, A/10289, A/C.6/437, A/C.6/L.1028, A/C.6/L.1030)

56. The CHAIRMAN announced that the delegations of Chile, Iran, Yemen and Zambia had become sponsors of draft resolution A/C.6/L.1028.

57. Mr. KRISPIS (Greece) said that his delegation also wished to become a sponsor of draft resolution A/C.6/L.1028.

58. Mr. ABDALLAH (Tunisia) suggested that the words "the review of" should be inserted after the word "regarding" in operative paragraph 1 (a) (i) of draft resolution A/C.6/L.1028, thereby retaining the wording used in previous General Assembly resolutions. Referring to paragraph 3 of document A/C.6/L.1030, he asked for some clarification with regard to the 15 interpreters to be recruited in Geneva. If the Special Committee was to meet at Headquarters, how could such expenditure be justified?

59. Mr. ABUL-KHEIR (Egypt) noted that the five additional Member States referred to in operative paragraph 3 of draft resolution A/C.6/L.1028 were not named. It might be preferable, therefore, to insert the words "according to equitable geographical distribution" after the words "Member States" in that paragraph.

60. Mr. BAJA (Philippines) said it was the intention of the sponsors of the draft resolution that one additional State from each regional group should be appointed before the draft resolution was submitted to the plenary meeting. The

Chairmen of the regional groups had already been contacted in that connexion.

61. Mr. ABUL-KHEIR (Egypt) pointed out that, at the twenty-eighth session, nominations had followed the adoption of the relevant resolution in the plenary meeting.

62. Mr. MAKEKA (Lesotho) said that some clarification was needed as to the precise meaning of the word "awakened" in operative paragraph 1 (c) of the draft resolution. Furthermore, since paragraph 1 (a) (i) was not clear as it stood, the Committee should perhaps take account of the suggestion of the representative of Tunisia.

63. Mr. BAJA (Philippines), referring to operative paragraph 1 (a) (i) of the draft resolution, said that the drafters had considered that no suggestion or proposal could be made without a review of the Charter.

64. Mr. EFIMOV (Union of Soviet Socialist Republics) said that the wording of the draft resolution had been arrived at after long and delicate consultations. Consequently, any further amendment of the draft was inconceivable.

65. Mr. JEANNEL (France) said that any attempt by the Committee to amend the draft resolution at the current stage could reopen a possibly difficult subject. Consequently, the existing wording should be retained.

66. Mrs. DUQUE DE OSPINA (Colombia) said that, in view of the lengthy discussions which had been necessary to arrive at the existing wording, the text of the draft resolution should remain as it stood.

67. Mr. PEDAUYE (Spain) agreed that the existing wording of the draft resolution should be retained.

68. Mr. DATCU (Romania) said that his delegation, which had been involved in the drafting of the draft resolution, hoped that the draft resolution would be adopted as it stood.

69. Mr. BOSCO (Italy) associated himself with the views expressed by previous speakers that the wording of the draft resolution should not be changed.

70. Mr. VANDERPUE (Ghana) associated himself with the view that the draft resolution should be left as it stood. He proposed that the Committee should adopt the draft resolution by consensus.

71. Mr. ABDALLAH (Tunisia) reaffirmed that his delegation understood operative paragraph 1 (a) (i) to refer to a review or updating of the Charter. On that understanding, he would not oppose the consensus within the Committee.

72. Mr. RYBAKOV (Secretary of the Committee), replying to the question put by the representative of Tunisia concerning document A/C.6/L.1030, said that, in preparing the statement of the financial implications of draft resolution A/C.6/L.1028, the Department of Conference Services, while it would endeavour to provide the necessary services using staff available in New York, had taken account of the possibility that it might be obliged to hire a

number of staff from Europe and had made financial provision for that possibility.

73. Mr. EFIMOV (Union of Soviet Socialist Republics) said that the Committee should wait until a number of technical details such as the names of the additional Member States referred to in operative paragraph 3 had been finalized, before adopting the draft resolution. Furthermore, his delegation was still awaiting instructions with regard to the draft resolution and would therefore be unable to take part in any consensus at the current meeting.

AGENDA ITEM 117

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law: report of the Secretary-General (*continued*) (A/10332, A/C.6/438, A/C.6/L.1029)

74. Mr. VANDERPUE (Ghana), introducing draft resolution A/C.6/L.1029, said that the draft resolution followed the pattern of previous resolutions on the subject and was self-explanatory. Referring to operative paragraph 9, he pointed out that the membership of the Advisory Committee on the Programme of Assistance was unchanged except for the inclusion of Italy and the Philippines to replace Belgium and Iraq. It was not necessary to refer the resolution to the Advisory Committee on Administrative and Budgetary Questions under rule 153 of the rules of procedure of the General Assembly as the appropriations for the activities which it involved were already provided for in the regular budget for 1975-1976 and had been approved by the Fifth Committee.

75. He informed the Committee that the delegations of Sierra Leone and Zaire had become sponsors of the draft resolution.

76. Mr. KRISPIS (Greece) said that the report of the Secretary-General (A/10332) presented an impressive picture of the success of the Programme. The Seminar on International Law for advanced students and young government officials was on the way to becoming a world institution for the teaching and advancement of international law and the activities concerning the symposia on international trade law were also highly promising. The latter programme had made a very good start in 1975 with the symposium on the role of universities and research centres in the teaching, dissemination and wider appreciation of international trade law. At its latest session, the United Nations Commission on International Trade Law had invited the participants in the symposium to take part, unofficially, in its debate on an item on its agenda. The performance of the participants had been excellent and the experiment had been a success.

77. Equally successful had been the activities of the United Nations Institute for Training and Research (UNITAR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1974 and 1975. His delegation, which enthusiastically supported the Programme as a whole, was in favour of the recommendations of the Secretary-General contained in paragraphs 63-70 of his report and believed that the Committee would adopt draft resolution A/C.6/L.1029 by consensus.

78. Mr. HAFIZ (Bangladesh) expressed great satisfaction with the report of the Secretary-General. The impressive activities carried out during 1974 and 1975 were a significant contribution to the progressive development of international law and deserved the support of Member States, as did the recommendations contained in the report.

79. His delegation believed that the study of international law promoted not only the development of international law itself, but also international understanding and friendship. The continuation of the Seminar on International Law and other parts of the Programme was of vital importance to the progressive development of international law and to the developing countries. The Programme should therefore be not only continued but expanded. The scope of teaching and dissemination of knowledge of international law in the third world was very limited. The teaching of international law, including international trade law and international humanitarian law as applicable in armed conflicts and the dissemination of knowledge of international instruments such as the Charter of the United Nations and the Universal Declaration of Human Rights, was essential. Centres for research and training in international law should be established under the Programme in the developing countries to enable the third world to benefit from the knowledge acquired by the developed countries in that field. The Seminar on International Law should also be continued. His country had benefited from the Seminar in 1973 through the participation of a Bangladesh national. In that connexion, his delegation expressed the highest appreciation for the generous and constructive contributions made by the Ukrainian SSR in providing facilities for the study and teaching of international law to students from 50 countries of Asia, Africa and Latin America at Kiev University. He expressed the hope that other developed countries would provide similar facilities.

80. His delegation was happy to note that the cycle of regional training and refresher courses was to be continued. It was gratifying to note that UNITAR had planned two such courses for Asia to deal with current problems of international law relating to the economic and social development of developing countries, with particular reference to the Asian context. He expressed the hope that UNITAR would select Bangladesh to host the course to be organized for Member States of the Economic and Social Commission for Asia and the Pacific.

81. He expressed satisfaction that one of the 20 fellowships for 1975 had been awarded to a national of Bangladesh.

82. Bangladesh, although a small developing country, was contributing fruitfully to the promotion and development of international law. The Bangladesh Institute of Law and International Affairs, a non-governmental organization, had hosted the Third International Criminal Law Conference in December 1974 in Dacca. Furthermore, the Bangladesh Islamic Academy conducted research and study on Islamic law, with particular reference to the Islamic conception of international law and international relations. As a non-governmental organization, it deserved assistance from the United Nations, UNESCO and UNITAR, like that received by the Austrian Centre of Chinese Studies in 1973. The two institutions would co-operate actively with UNITAR,

UNESCO and the United Nations in the organization of any seminar or conference in Bangladesh on any subject of international law within the framework of the Programme.

83. His delegation also expressed gratitude to the United Nations for continuing to provide the Bangladesh Institute of Law and International Affairs with copies of United Nations legal publications issued during 1974 and 1975, in accordance with paragraph 1 of General Assembly resolution 2838 (XXVI).

84. Mr. BROMS (Finland) said that the report of the Secretary-General showed that once again the Programme had achieved positive results.

85. His delegation was pleased to announce that the Government of Finland had decided to grant a fellowship of \$2,000 to participants from developing countries in the seminar to be held during the next session of the International Law Commission in Geneva in 1976.

86. Mr. GÜNEY (Turkey) expressed his appreciation for the efforts made by the Secretary-General within the framework of the Programme. The activities of UNESCO and UNITAR were also to be commended. With regard to the Fellowship Programme, his delegation was gratified to note the continuation of the practice of giving preference to candidates from countries whose nationals had not been awarded a fellowship in recent years. It was also gratifying to note that the United Nations would continue to provide copies of its legal publications and those of the International Court of Justice to institutions in developing countries.

87. His delegation supported the recommendations of the Secretary-General regarding the execution of the Programme in 1976-1977 (see A/10332, chap. III).

88. Referring to draft resolution A/C.6/L.1029, he wondered whether the Chairmen of the regional groups had consulted their respective groups with regard to the appointment of the 13 members of the Advisory Committee on the Programme of Assistance.

89. The CHAIRMAN announced that the delegations of Liberia and Uganda had become sponsors of draft resolution A/C.6/L.1029.

90. Mr. RYBAKOV (Secretary of the Committee), replying to a question put by the representative of Yugoslavia at the 1575th meeting of the Committee concerning the award of a fellowship to a national of a country which was not a Member of the United Nations, recalled that paragraph 1(a) of General Assembly resolution 3106 (XXVIII) authorized the Secretary-General to provide a minimum of 15 fellowships in 1974 and 1975 at the request of Governments of developing countries. As pointed out in paragraph 26 of the Secretary-General's report, for the purpose of the Fellowship Programme a country was regarded as "developing" if it was in receipt of United Nations technical assistance. The country in question had received such assistance. Consequently, the Office of Legal Affairs believed that the Secretary-General's action

had been in accordance with the General Assembly resolution.

91. Mr. STARČEVIĆ (Yugoslavia) said that the Secretary's explanation was not entirely satisfactory. The Fellowship Programme was organized under United Nations auspices and preference should therefore be given to nationals of Member States, from which there was no shortage of applicants. Furthermore, the country in question was not in the process of decolonization, which the United Nations was obligated to help.

92. Mr. RYBAKOV (Secretary of the Committee) said that the Office of Legal Affairs would take the statement of the representative of Yugoslavia into account.

93. Mr. ROSENSTOCK (United States of America) said that he was confident that the Office of Legal Affairs would take account of all statements made in connexion with the item under discussion.

The meeting rose at 5.55 p.m.

1578th meeting

Tuesday, 2 December 1975, at 3.25 p.m.

Chairman: Mr. Frank X. J. C. NJENGA (Kenya).

A/C.6/SR.1578

AGENDA ITEMS 113 AND 29

Report of the *Ad Hoc* Committee on the Charter of the United Nations (*continued*) (A/10033, A/10102, A/10108, A/10113 and Corr.1 and Add.1-3, A/C.6/437, A/C.6/L.1028, A/C.6/L.1030)

Strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States: reports of the Secretary-General (*continued*) (A/10218, A/10219, A/10255, A/10289, A/C.6/437, A/C.6/L.1028, A/C.6/L.1030)

1. The CHAIRMAN said that if there was no objection he would take it that the Committee wished to adopt draft resolution A/C.6/L.1028 by consensus.

The draft resolution was adopted by consensus.

2. Mr. DIENG (Senegal), speaking in explanation of vote, said that his delegation had joined in the consensus on draft resolution A/C.6/L.1028 in view of the considerable effort which had been required in order to arrive at the current wording. However, his delegation, which had stated clearly that it was in favour of the review of the Charter, was not entirely satisfied with the provisions of the draft resolution. He welcomed the fact that the *Ad Hoc* Committee was to be reconvened as a Special Committee, with an enlarged membership. He was convinced that, if the matter was considered further at the thirty-first session of the General Assembly, considerable progress would be made and an appropriate solution found.

3. Mr. TIEN Chin (China), speaking in explanation of vote, recalled that, during the discussion in the Sixth Committee, the majority of countries had advocated a review of the Charter. They had clearly pointed out that the purpose of reviewing and making necessary amendments to the Charter was to implement effectively the

purposes and principles of the Charter, namely to ensure that the United Nations conformed to the tremendous changes which had occurred in the international situation and in the membership of the United Nations in the 30 years since its establishment, in order that the numerous small and medium-sized countries which currently constituted the vast majority of Member States could enjoy corresponding rights to speak and to make decisions in the main organs of the United Nations, thereby ensuring that the Organization played its due role. Quite a number of representatives had put forward specific views and proposals on necessary amendments to the Charter. It could be seen that an increasing number of countries had joined the ranks of those advocating Charter review. The debate had once again convincingly demonstrated that the review and revision of the Charter was a manifestation of the general trend and of the aspirations of peoples.

4. As a result of the struggle of third world countries, the original *Ad Hoc* Committee would become a Special Committee which would have more permanency. It was evident that the main task of the Special Committee in the future should be the discussion of questions relating to Charter review. His delegation considered that, whether in the Special Committee or in the Sixth Committee, stress should be laid on considering proposals with regard to the Charter and on patient consultations.

5. It was inadmissible for the super-Powers to try to distort the spirit of the resolution once it was adopted and to use various pretexts to refuse to engage in consultations on the question of Charter review. During the discussions in the Sixth Committee, the attitude of the super-Powers had been that of opposition to a review and revision of the Charter. That super-Power which claimed to defend the interests of small countries had gone so far as to intimidate and hurl abuse at those countries which advocated a review and revision of the Charter. Even though they had a guilty conscience and were becoming increasingly isolated, it was predictable that they would still resort to various schemes