

of the question of international terrorism and that its underlying causes should, therefore, be examined. The most serious divergence of views, however, was on the question of the scope of the convention and its application to national liberation movements. Various Arab and African delegations noted that, unless a satisfactory solution was found to this question, it would be very unlikely that the Hostage-Taking Committee could make progress. Nevertheless, some debate of a substantive nature did take a place on relevant legal matters, such as preventive measures against hostage-taking, criminal sanctions, jurisdiction and extradition. While strong differences of opinion persisted over fundamental issues, the thirty-second General Assembly adopted a resolution that renewed the mandate of the committee for another year.

In approaching the work of this committee, Canada has taken the view that the groundwork for international co-operation in combating the taking of hostages was established by the 1970 Hague, the 1971 Montreal and the 1973 New York conventions. These instruments have, however, left gaps to be filled by the proposed new convention, which should build upon these precedents without duplicating or disturbing the existing and accepted international framework.

International humanitarian law applicable in armed conflict

The fourth and final session of the Diplomatic Conference on the Reaffirmation and Development of Humanitarian Law Applicable in Armed Conflict was held in Geneva from March 17 to June 10. The conference adopted by consensus two protocols to the Geneva Conventions of 1949 relating to the protection of victims of international and non-international armed conflicts.

The protocols, which were opened for signature in Berne on December 12, were signed by 46 states, including Canada, on that day. The Department of External Affairs, through its Legal Bureau, has taken an active interest from the start in this latest development of humanitarian law and has participated in all four sessions of the conference, as well as in the two meetings of government experts that worked on a draft text that subsequently formed the basis of discussion for the conference.

Protocol I deals with the protection of victims of international armed conflict. The Geneva Conventions afford protection to the sick and wounded members of the armed forces, to prisoners of war and to the civilian population. This protection has been significantly extended by the first protocol; for example, it includes articles on the protection of non-defended localities, of the environment and of items indispensable to the survival of the civilian population (food and water supplies). There are also special provisions on the reunion of families, the protection of journalists and measures in favour of women and children.

Protocol I contains a number of innovative provisions, beginning with the first article, which defines the scope of application so as to include wars of national liberation as international armed conflict. Also of interest in this regard are articles on the status of guerilla fighters and mercenaries.

Protocol II applies to victims of internal conflict (civil war), a domain hitherto unregulated by international law. This protocol was of particular interest to the Canadian delegation, which at an earlier session of the conference had presented its own draft text. The Canadian delegation worked hard to obtain support for a short, simplified version of Protocol II, which, it was felt, would be more acceptable to Third World states sensitive to what they saw in the instrument as a potential for interference in their internal affairs; in fact, the text adopted in the end was very close to the Canadian draft. Under this instrument, international law has for the first time established standards for the treatment of victims of internal conflict.

The work of the *Ad Hoc* Committee on the prohibition or restriction of the use of specific categories of conventional weapons was not reflected in the two protocols. Instead, the conference adopted a resolution calling on the United Nations to convene another conference in 1979 on the subject of the prohibition of certain conventional weapons. This decision was subsequently confirmed by the thirty-second session of the General Assembly.