



SUMMARY RECORD OF THE 66th MEETING

Chairman: Mr. CALLE y CALLE (Peru)

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AGENDA ITEM 114: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS, AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES: REPORT OF THE SECRETARY-GENERAL (A/36/425; A/C.6/36/L.28) (continued)

1. Mr. KAPETANOVIC (Yugoslavia) said that during the debate a number of delegations had expressed concern about the spread of international terrorism and the ineffectiveness of attempts at prevention by the international community. Some had spoken of the main causes underlying international terrorism, while others had dealt with the inadequate implementation of existing measures.
2. The underlying causes of international terrorism had been fully dealt with by the Ad Hoc Committee on International Terrorism in its last report (A/34/37). They appeared to be very diverse, and depended on the social, political, economic, cultural and other conditions in the various regions and States.
3. But there was another type of cause of the spread of international terrorism. At one stage there had been a lack of international legal instruments to fight terrorism. Since then a number of international agreements had been concluded on the subject, including the 1973 New York Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, the 1979 International Convention against the Taking of Hostages, the 1977 European Convention on the Suppression of Terrorism adopted by the Council of Europe, and the 1971 Convention to prevent and punish the acts of terrorism taking the form of crimes against persons and related extortion that are of international significance adopted by the Organization of American States. Provisions on international terrorism had also been adopted within the framework of the Conference on Security and Co-operation in Europe, as recently as at the Madrid meeting, held early in 1981, and also in the Final act of the Helsinki Conference. The Ad Hoc Committee on International Terrorism had adopted by consensus a number of recommendations on international terrorism (A/34/37, para. 118), and terrorism was also referred to in the draft Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States recently introduced by non-aligned countries in the First Committee (A/C.1/36/L.61).
4. Thus there were many legal instruments to suppress terrorism, and yet it was still spreading. The problem was that States were disregarding the international responsibilities they had undertaken in those legal instruments. States must be more active in the prevention of international terrorism, and although the legal framework for preventive action by States could be made more complete, there were already sufficient provisions in the existing instruments which could be effective in fighting terrorism if States complied with them fully. Unfortunately, some of those measures were being bypassed by certain States; when an act of international terrorism was committed, excuses were found for neglect of the duty to pursue or punish those responsible. Terrorists were often given publicity, and excuses were found for the cold-blooded murders and other violent acts that they committed. There could be no excuse for the failure to carry out international obligations. Any other attitude would mean yielding to the law of the jungle; both international

(Mr. Kapetanovic, Yugoslavia)

and national legal systems would be jeopardized, which would undermine relations among States and the promotion of friendship and co-operation between them.

5. Nor could the excuse be accepted that effective measures to prevent and punish terrorism could not be implemented because of internal political conditions or the characteristics of a particular type of social and political system. No such system could countenance the spread of terror and murder in the name of some higher ideal. There was no criminal code in the world which did not penalize responsibility for terrorist acts. Where such acts were repeatedly aimed at the same targets, and no steps were taken to prevent the acts or to take judicial action, it became clear that special tolerance was being exercised as the result of a particular political background.

6. The international obligation contained in the various legal instruments concerned included the prohibition of organizations and groups engaged in preparing, organizing, instigating, financing, or directly carrying out terrorist acts; States were requested to prevent the preparation in their territory of acts directed against other States, and all States were called on to co-operate in the prevention and suppression of international terrorism. All those obligations had been adopted on various occasions by consensus by all Member States. Therefore all States should, both unilaterally and in co-operation with other States, make every effort to carry out those obligations. Those who failed to do so could themselves become the victims of terror and violence.

7. With respect to the position of liberation movements, he said that Yugoslavia had always supported their just struggle. The Additional Protocols to the 1949 Geneva Conventions stated clearly that liberation movements were covered by the international laws of warfare. That meant that they must behave in accordance with the Geneva Conventions and Protocols, but also that any attempt to identify those movements with international terrorism was not justified.

8. With respect to the idea of State terrorism, he said that it was very difficult to define, and even those who adopted the same political approach to the issue of international terrorism could not agree on the definition of State terrorism. Yugoslavia considered that State terrorism was a broad concept comprising all forms of violent behaviour of States, including acts of aggression, various types of force, reprisals, the use of subversive agents and the occupation of the territory of other States. The fact that it was difficult to take appropriate measures against States engaging in acts of State terrorism did not mean that such States could not be held responsible. Perhaps it would be useful to consider the problem of State terrorism at an appropriate time and in an appropriate United Nations forum, with a view to arriving at some conclusions or suggestions. Yugoslavia had always opposed international terrorism and considered that there could be no excuse for participating in, assisting or acquiescing in acts of international terrorism. It was ready to co-operate fully with all other States in fighting international terrorism, and expected them to do the same.

9. Mr. EL-BANHAWI (Egypt) said that the international community had denounced terrorism in all forms, both at the local level, and at the international level, where it endangered international peace and security. All States agreed on the

(Mr. El-Banhawi, Egypt)

need to combat terrorism and to punish the perpetrators. Where terrorist acts were committed at the instigation of States, that represented a flagrant violation of all human values, of the principles of international law, and of the purposes and principles of the United Nations Charter.

10. Many speakers had referred to the experience of their own countries with regard to terrorist acts against national sovereignty, and it was essential for the international community to support any country which was the victim of such acts. The United Nations Charter provided for collective measures to defend the rights of States in such cases. The Security Council had broad powers, notably under Chapter VII of the Charter, which should be exercised fully in order to uphold international law and ensure the maintenance of international peace and security. Political motives should not be involved when such situations were dealt with; there must be world-wide solidarity if such measures were to be effective. International co-operation, whether bilateral, regional or international, was essential for effective measures against terrorism in all its forms. He referred to a number of international legal instruments relating to the problem, including the Universal Declaration of Human Rights, the Definition of Aggression (General Assembly resolution 3314 (XXIX)), the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty (General Assembly resolution 2131 (XX)), and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)). In accordance with those legal instruments, States were required not to give help or protection to terrorists, and they must meet those obligations. It was clear that they must refrain from engaging in terrorism against other States, in other words, in State terrorism. The Secretary-General's report (A/36/425) and the statements made during the debate showed that there was general agreement on the need to combat terrorism.

11. There were a number of additional points that he wished to stress. The first was the criminal nature of terrorism in all domestic legislation; terrorism should also be included as a crime in the proposed draft Code of Offences against the Peace and Security of Mankind and made subject to severe penalties. All States should co-operate in the arrest and prosecution of terrorists, and terrorist acts should never be regarded as political crimes.

12. Secondly, the idea of an international convention codifying the principles of combating terrorism involved approaching the question from a practical angle. There was an adequate legal basis for combating terrorism, but first the impact of international action must be assessed. Then, if it appeared that there were gaps in the legal armoury, they should be filled by supplementing the existing legal instruments or adding to them. The international community would then have an appropriate legal framework embodying the basic principles of contemporary international law. Egypt was a party to most of the conventions referred to, and was considering accession to the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

(Mr. El-Banhawi, Egypt)

13. Thirdly, it was essential to attack all the causes underlying terrorist acts, such as the oppression of peoples, the exploitation of their resources, opposition to the right of self-determination, and situations leading to frustration and injustice. In fact, such actions were a form of international terrorism against peoples and against the legitimate rights of national liberation movements in their struggle to free the people and enable them to exercise their right to self-determination. The definition of international terrorism should be complete, and its causes should be emphasized. The definition should ensure protection for the rights of States, national liberation movements and peoples under colonial rule. The draft International Convention against the Recruitment, Use, Financing and Training of Mercenaries should be supplemented along those lines, especially in relation to the African countries, which had suffered so greatly. A legal instrument to prevent such unlawful terrorist acts as mercenary activity would help to reduce international terrorism.

14. Fourthly, terrorist acts were not only crimes but also cowardly acts against the community. The victims included national leaders, diplomats and statesmen whose murder represented a loss for mankind. Combating such acts required a deeper understanding of the principles of progress and democracy. At the international level, terrorist acts were a violation of the principles of civilized nations which believed in principles of law and justice and strove to respect and implement them.

15. Fifthly, no act of terrorism should be tolerated. Every time one took place the President of the Security Council and the Secretary-General should be informed, so that the details would be reflected in a document; then, measures should be adopted and Member States informed of them.

16. Much of the information in the Secretary-General's report furnished by States and international organizations deserved further study. In particular he wished to pay a tribute to Qatar, which had made some constructive proposals (A/36/425, pp. 9-19 and pp. 29-32). UNESCO, too, had made a useful contribution, particularly with respect to the underlying reasons for international terrorism (pp. 49-69) and the Universal Postal Union had given an account of the measures it took to combat terrorism (pp. 70-71).

17. The resolution to be adopted on the question should reflect world solidarity in the fight against terrorism and determination to eliminate it. He hoped there would be general agreement on such a resolution.

18. Mr. SANDIGA (Peru) said Peru condemned all terrorist acts as the most irrational means of seeking to achieve political, economic, social or other aims. There could be no justification for the view that the end justified the means. The human and material harm caused was irreparable, and profoundly affected the structure of society. Terrorism was equally wrong whether it was carried out by individuals or organized groups, or by a State; the result was always likely to be the loss of innocent life and great material damage, whatever the reasons for the action. The international community was therefore under an obligation not to permit or encourage such actions or to give any kind of protection to those who perpetrated them. Any other course would encourage terrorism. Peru called for the

(Mr. Sandiga, Peru)

broadest possible co-operation, whether bilateral or multilateral, through the appropriate legal instruments, in order to combat the modern plague of terrorism. Any definition of terrorism should draw a clear line between what might be regarded in special circumstances as political offences and offences that were merely common crimes. Terrorists could not shelter behind the special measures for dealing with so-called political offences provided for in many domestic legislations; the cold-blooded premeditation of their acts disqualified them from such special treatment under domestic legislation.

19. International terrorism could be defined as any act of violence that might endanger or take innocent lives, threaten fundamental freedoms, or affect more than one State, and had the aim of using coercion to achieve a particular end. Consequently States must unequivocally condemn all terrorist acts, provide every form of international co-operation and assistance to repress terrorism, and refrain from organizing or instigating terrorist acts against another State, helping to commit such acts, or permitting activities to take place in their territory with the aim of the commission of terrorist acts in the territories of other States. One of the basic weapons in the fight against terrorism was the adoption of international legal instruments to accelerate extradition and prevent the guilty parties from seeking safety outside the frontiers of the territory in which they committed their crime.

20. The persistence of terrorism despite the conclusion of the international instruments designed to repress it showed the need to continue the efforts to develop the principles and procedures set forth in those instruments. Additional international instruments to combat international terrorism should be concluded, or those that already existed should be made more effective, with due regard for such underlying causes as colonialism, racism and foreign occupation.

21. Peru was a party to the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, the 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft, the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft, and the 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation. That showed the importance that Peru attached to the fight against international terrorism, and he reaffirmed Peru's undertaking to do all it could to co-operate in the campaign to eradicate that scourge of modern times.

22. Mr. KHERAD (Afghanistan), speaking in exercise of the right of reply, said that he regretted having to take the floor, but that the statement made by the representative of China on item 114 at the 66th meeting of the Committee left him no choice. The Chinese representative's allusions to Afghanistan were self-evidently intended to mislead world public opinion and to deflect attention from China's aggressive and expansionist intentions in Asia and other regions.

23. The forces to whom the Chinese representative had referred in his statement were merely the former nobility and their feudal lackeys, who had, like their forebears, plundered the Afghan people while living in luxury at their expense. Their sole objective was to regain their former privileges. It was an insult to the heroic and patriotic Afghan people to refer to such forces as anything other than counter-revolutionary mercenaries bent on suppressing and exploiting

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the masses. Those were the forces which were invading Afghanistan, disrupting normal life, killing women, children and old people, destroying schools and hospitals, and pillaging the property of the people and the State.

24. After the victorious uprising of 27 December 1979, by which the national and democratic revolution in Afghanistan had regained its true path and entered upon its second stage, the plotters against independent Afghanistan had intensified their criminal activities with the aim of blackmailing the country and subverting the noble objectives of the revolution.

25. It was Peking's policy to surround itself with weak States which could easily be brought into conflict with one another. That was the motive behind China's attempted interference in the internal affairs and political life of Asian countries and the Democratic Republic of Afghanistan. Such acts should be regarded as a form of international terrorism.

26. His delegation urged the Chinese representative to reflect on the lesson to be drawn from China's own acts of violence, aggression, subversion and terrorism.

27. Mr. OUYANG Chuping (China), speaking in exercise of the right of reply, said that in its statement on item 114 his delegation had merely been presenting, in a rational manner, facts regarding international terrorism. The representative of Afghanistan had chosen to slander that statement at great length, but there was no need to waste the Committee's time in refuting such allegations. The so-called representative of Afghanistan's status as representative of an "occupied country" no doubt placed him in an awkward position.

AGENDA ITEM 113: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SECRETARY-GENERAL (continued) (A/36/633; A/C.6/36/L.25/Rev.1)

28. Mr. GÜNEY (Turkey) said that his delegation had carefully studied the report of the Secretary-General (A/36/633), and found the implementation of the Programme of Assistance during 1980 and 1981 largely satisfactory. As a member of the Advisory Committee on the Programme, his delegation had already drawn attention to the need to ensure a proper balance in the selection of lecturers to participate in seminars, and to the need for more lecturers from developing countries. He hoped that UNITAR would keep those requirements in mind in future planning.

29. Mr. MIGNOT (Belgium) said that his Government had decided to make available three post-graduate scholarships as an indication of its support for the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

30. The CHAIRMAN, speaking in connexion with draft resolution A/C.6/36/L.25, said that the Secretary-General had received a communication from The Hague Academy of International Law referring to the contribution made by that institution to the teaching, study, dissemination and wider appreciation of international law. The message went on to make an appeal to Member States to ensure, through their contributions, that the Academy could continue, and expand in future, its valuable work within the Programme of Assistance. He understood that the draft resolution would be amended to reflect the wishes expressed by the Academy.

31. Mr. van DIJK (Netherlands) said that his delegation had been aware of the Academy's financial difficulties for some time, and the sponsors of the draft resolution wished therefore to insert after paragraph 6 an additional paragraph reflecting the Academy's appeal for financial assistance. The new operative paragraph 7 would read:

"Notes with appreciation the contributions made by The Hague Academy of International Law to the teaching, study, dissemination and wider appreciation of international law and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for adequate assistance to solve its financial problems".

The existing operative paragraphs 7 to 11 would thus become paragraphs 8 to 12. The new paragraph paralleled paragraph 7 of General Assembly resolution 34/144, which had been adopted by the Sixth Committee and the General Assembly by consensus; he hoped that the draft resolution under consideration would meet with a similarly favourable response.

32. The CHAIRMAN announced that Somalia had become a sponsor of the draft resolution, the revised version of which would be made available to the Committee the following day.

The meeting rose at 4.20 p.m.