

United Nations

**GENERAL
ASSEMBLY**

THIRTY-FOURTH SESSION

*Official Records **

UN LIBRARY



UN/SA COLLECTION

SIXTH COMMITTEE

8th meeting

held on

Tuesday, 2 October 1979

at 3.30 p.m.

New York

SUMMARY RECORD OF THE 8th MEETING

Chairman: Mr. ZEHENTNER (Federal Republic of Germany)

CONTENTS

AGENDA ITEM 112: 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 AD HOC COMMITTEE ON INTERNATIONAL TERRORISM (continued)

* This record is subject to correction. Corrections should be incorporated in a copy of the record and should be sent *within one week of the date of publication* to the Chief, Official Records Editing Section, room A-3550.

Corrections will be issued shortly after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL

A/C.6/34/SR.8

5 October 1979

ENGLISH

ORIGINAL: SPANISH

The meeting was called to order at 3.40 p.m.

AGENDA ITEM 112: 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 AD HOC COMMITTEE ON INTERNATIONAL TERRORISM (continued) (A/34/37, 387, 403, 429, 435 and 498)

1. Mr. STEPANOV (Ukrainian Soviet Socialist Republic) said that the struggle against international terrorism concerned all countries, since terrorist acts impeded international co-operation by interrupting the diplomatic intercourse of States, paralysing transport and interfering with the normal course of international meetings. His country, for its part, reiterated its readiness to collaborate in the adoption of effective measures to eradicate and avert international terrorism.
2. Assessing the activities of the Ad Hoc Committee on International Terrorism, he noted with satisfaction that, at its most recent session, it had achieved some positive results. It had confirmed the need to adopt firmer measures to combat international terrorism and had submitted a series of important recommendations to the General Assembly. That had been preceded by the discussions of the Working Group of the Whole established to deal with the questions related to the causes of international terrorism and the measures to be taken against it, in that order (A/34/37, para. 10), an approach which was fully in keeping with General Assembly resolutions 3034 (XXVII) and 32/147. Indeed, the struggle needed to be waged not only against the terrorist acts themselves, but also against their basic causes - such manifestations as colonialism, racism, apartheid and zionism. That aspect of the problem was examined in the working paper on underlying causes of international terrorism submitted to the Committee by a group of non-aligned countries (A/34/37, para. 69).
3. His country firmly rejected any attempt to interpret international terrorism as including the national liberation movements of peoples, acts of resistance against the aggressors in occupied territories, or measures taken by workers in defence of their rights. In many of its resolutions, the United Nations had recognized the legitimacy of the struggle of peoples for their freedom; that struggle had been supported by the 1949 Geneva Conventions and could not be equated with terrorism.
4. His delegation had emphasized that the struggle against international terrorism should take into account the progress achieved in that area at the national and international levels. Above all, it was necessary to adopt measures in the context of the domestic legislation of States, which were directly responsible for guaranteeing the safety of foreigners in their territories. Although he agreed with the Ad Hoc Committee's recommendation to the General Assembly that the necessary measures should be adopted at the international level, he stressed that recommendations of a general nature were inadequate if the countries did not promulgate and apply laws which prescribed criminal responsibility and the harshest punishment for acts of terrorism. In addition, domestic measures should be adopted in order to forestall not only acts of violence committed by isolated individuals but also the terrorist crimes committed by Zionist centres, emigré nationalist

/...

(Mr. Stepanov, Ukrainian SSR)

circles and other Fascist-type organizations which took refuge in certain States. Everyone was aware of the magnitude of the hostile activities of that kind pursued by groups and organizations in the host country of United Nations Headquarters, in which attacks have been carried out against the permanent missions and their officials. That was due to the failure of the Government of the host country to take effective action to prevent such criminal acts and to punish severely those responsible.

5. There already existed a series of international legal instruments relating to various aspects of international terrorism, and the countries which had not yet acceded to them should do so as soon as possible. However, that alone was not enough and it was equally important for those instruments to be scrupulously respected and to be put fully into effect. Regrettably, certain States failed to live up to the obligations which they had assumed, and there were cases of States which avoided compliance with their responsibility with regard to the punishment and extradition of air hijackers, which in practice amounted to connivance with acts of international terrorism.

6. Mr. ZAHID SAID (Pakistan) said that the recommendations of the Ad Hoc Committee relating to practical measures of co-operation for the speedy elimination of the problem of international terrorism (A/34/37, para. 118) were a useful starting point for the discussion of that item before the Sixth Committee. In that connexion, he emphasized the need, in keeping with General Assembly resolution 32/147, to identify the various types of international terrorism before condemning particular acts and suggesting remedial measures. International terrorism as a technical concept was known in neither international nor domestic law. Consequently, the Committee needed an accurate definition, or if that was not possible, an accurate description of what it was attempting to analyse. There were many categories of acts of violence which affected innocent people, and not all of them had the same cause or were susceptible to the same treatment.

7. Thus, mention should first be made of acts which affected innocent people, and which, when they manifested themselves beyond national borders, could be regarded as a form of international terrorism. The cause of those acts was the criminality of the individuals involved; such acts deserved condemnation and punishment, and extradition should apply in such cases. Secondly, reference could be made to anarchist activity, which appeared to be motivated by a revulsion against political or economic systems. Such acts, the causes for which would be found by an examination of sociological factors, needed to be regarded as a category of international terrorism and should be severely condemned. Such actions almost invariably fell within the ambit of the criminal laws of individual countries, and the obligation to extradite under treaties in force ensured that the individuals involved were brought to justice. The third category was "State terrorism", the most serious form of international terrorism. That was the case of a State which indulged in acts of violence beyond its borders against innocent persons whose only crime was to demand what the United Nations had acknowledged as their inalienable right to national self-determination, freedom and independence. Such acts of international terrorism were all the more serious where the innocent

/...

(Mr. Zahid Said, Pakistan)

persons against whom they were directed had no State to protect them or were citizens of a State which might be unable to do so against powerful neighbours. Such reprisals against innocent men, women and children - which were international crimes and, as such, could be considered acts of international terrorism - should be the subject of the most vigorous condemnation by the United Nations. Lastly, there were actions which affected innocent persons across international borders, but were perpetrated out of frustration and with the object of promoting the legitimate aspirations of peoples under colonial or foreign occupation and racist rule. They were essentially a reaction against violation of the principles enshrined in the United Nations Charter and the only preventive measure against such actions was to allow the exercise of the legitimate right of self-determination and to offer them equality and human dignity. So long as those injustices continued, no punitive measure, whether national or international, would succeed in curbing those tragic acts.

3. While his delegation was prepared to consider all measures that might curb the growing momentum of organized international crime, there was a need to draw a clear distinction between criminal violence which had international repercussions and the activities of liberation movements struggling for the legitimate right of self-determination and against colonialism, racism and foreign occupation. Pakistan had supported the elaboration of legal and administrative measures to prevent such acts of violence as were universally recognized as acts of international terrorism. It also felt that certain acts, such as the murder of innocent people, were reprehensible enough to deserve punishment despite their seemingly legitimate motivations. His delegation accordingly favoured a step-by-step approach in combating international terrorist activity through separate treaties rather than a single, all-embracing convention. Accordingly, it agreed with paragraph 5 of the Ad Hoc Committee's recommendations (A/34/37, para. 118), but thought that the recommendation in paragraph 2 was insufficient, since it felt that the causes which led to international terrorism should be fully set out in any resolution to be adopted by the General Assembly.

9. Mr. OSAH (Nigeria) said that no solution could be found to international terrorism in mere verbal condemnation nor in the proliferation of international conventions. An ill-conceived and hastily-concluded convention might even be used by régimes that pursued obnoxious racial and apartheid policies to subjugate legitimate aspirations and struggles of the peoples whom they oppressed.

10. The complex problem of terrorism required a careful study of its root causes, followed by a concerted effort by the international community to eliminate them. For that reason, Nigeria had co-sponsored working paper A/AC.160/WG/R.1 reproduced in the Ad Hoc Committee's report (A/34/37, para. 69), which was not intended, however, to be an exhaustive treatment of the subject. Nigeria had also advocated in the Ad Hoc Committee that the United Nations should set up a programme of action with a fixed time-table to eliminate all forms of colonialism, racism and apartheid if the international community was really determined to solve the problem of international terrorism.

(Mr. Osah, Nigeria)

11. The recommendations of the Ad Hoc Committee represented a fragile compromise and had elicited several reservations, including those of his delegation, which would have preferred more substantive and purposeful recommendations. In particular, it would have wished to see a recommendation for the imposition of effective sanctions against régimes, such as those in South Africa and Southern Rhodesia, whose policies of apartheid and systematic defiance of the will of the international community made a mockery of international law and led them to commit terroristic acts at the State level involving aggression and destruction against neighbouring States and refugee camps harbouring innocent women and children.

12. Although the most recent session of the Ad Hoc Committee had been the most productive, so far, it had not been completely satisfactory. In any case, the progressive development of rules of international law within the past decade had been impressive, ranging from the 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft to the 1973 New York Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; it was to be hoped that an international convention against the taking of hostages would soon take its place beside those instruments. Each of the conventions in question dealt with one form or another of international terrorism, with the result that full participation in them would facilitate the adoption of an approach to the over-all problem.

13. It was now necessary to develop legal instruments, on a global and comprehensive basis, to deal with the problem in the framework of full respect for human rights and freedoms. In that connexion, it would perhaps be useful for the United Nations to prepare a compilation of all existing international conventions on various aspects of international terrorism.

14. Finally, his delegation supported the suggestion that the General Assembly should draw up a declaration against international terrorism which would also deal with its underlying causes.

15. Mr. EL-GHARBI (Morocco) drew attention to the distressing and controversial nature of the item under consideration and to the fact that the initiative for its inclusion on the agenda had come from the Secretary-General seven years ago.

16. It was significant that the wording of the item used the adjective "international" and not "transnational". That showed that the phenomenon was the work not only of individuals whose activities ranged across the frontiers of States but also of Member States which, in addition to their overt activities referred to as "State terrorism", were directly involved in the shadowy war which had come to be known as the "terrorist international".

17. At the present stage of the work of the Ad Hoc Committee and the Sixth Committee, the need for fairness and clarity should be borne in mind in studying the problem, whose complexity derived from the fact that it was the latest manifestation of the dark complexities of the human soul, which, in its striving for the absolute, was torn between the instinct to live and the fascination of the

(Mr. El-Gharbi, Morocco)

void. Although the immediate, obvious causes of the problem should be dealt with, it should be borne in mind that, in the final analysis, it was not possible to reduce the terrorist mentality or temperament to rational causes. As Georges Bernanos had said, the phenomenon of terrorism arose in the encounter between a temperament of a certain kind and a motive which was seen as transcendent. Bernanos had also said that the instinct of justice was perhaps the most destructive of all, since, when motivation shifted from reason to instinct, the idea of justice was no longer justice - just as the sexual instinct was not love - nor was it even the desire for justice, but rather ferocious greed and one of the most effective forms of hatred between men, which, with all the resources of technology at its disposal, was preparing to devastate the earth.

18. The Ad Hoc Committee had been able to avoid a total impasse by, on the one hand, taking up the problems of the safety of civil aviation, the protection of diplomats and the taking of hostages and, on the other hand, recognizing the legitimate status of the struggle of national liberation movements; the international community had thus shown the minimum political will needed to ensure the cohesion and continued existence of the world Organization. He therefore welcomed the progress made with regard to protection of the legitimate rights of the national liberation movements, as reflected in the Ad Hoc Committee's recommendation 10 and the draft Convention against the Taking of Hostages.

19. Morocco could not forget that its own national resistance had been described as terrorist action by the colonial administration. Moreover, the first African national liberation movements had been trained and given shelter in Moroccan territory, and it was at the 1974 Rabat summit meeting that the League of Arab States had recognized the Palestine Liberation Organization as the legitimate representative of the Palestinian people; furthermore, the Moroccan people had shed its blood along with that of the Palestinian people in the struggle.

20. His delegation therefore could not shirk its duty to speak frankly. The national liberation movements were not monolithic organizations. It often happened that minority factions came to exercise disproportionate influence through actions which were irresponsible and politically undesirable in terms of the higher interests of the organization; small groups of that nature could compromise national liberation movements through contacts which could give rise to suspicions that they belonged to the underground network of the "terrorist international".

21. National liberation movements thus needed to confront both the danger of the enemy and the danger of splintering and internal struggle. At the same time, it should be pointed out that foreign interference and manipulation were the source and root of all those evils. The shadowy area lying between national liberation movements and small groups which sought to make a virtue of crime was fertile soil for all sorts of subversion. The national liberation movements were a wave which came from the depths of history, but that wave also brought with it debris and foam; tiny marginal groups tried to ride the wave in order to achieve their obscure goals, which did not coincide with the interests of the third world.

22. Morocco, though not a member of the Ad Hoc Committee, endorsed all the Committee's recommendations, especially recommendations 4 and 10.

/...

(Mr. El-Gharbi, Morocco)

23. On the other hand, his delegation agreed that the General Assembly, should, at its current session, prepare a declaration as proof of its determination to deal with the problem. However, the action of the United Nations should not rest there, since it was necessary to consider both the causes and the effects of the problem. With regard to the causes, he agreed completely with the statement made by the representative of Nigeria, who had expressed the feelings of all African delegations. With regard to the effects, it was necessary to prevent the phenomenon from assuming such proportions that all future action proved useless. A Sarajevo at the end of the twentieth century would not have the same consequences as the one that had occurred at the beginning of the century; the risk now went beyond the possibility of 10 million dead to the very survival of the human race.

24. Mr. MARTINEZ GARIAZO (Uruguay) said that his country maintained a clear and definite position on international terrorism. Since the beginning of terrorist activity, it had drawn attention to that serious problem and to the gradual implantation of habits of violence, hatred and cruelty in the political practices of societies. As a sign of its concern and in the knowledge that an international scourge could only be eliminated by international action, his country had submitted to the Ad Hoc Committee in 1973 a draft convention whose text was in many respects still completely relevant to the current situation.

25. Uruguay's position had taken the form of categorical opposition to and vigorous condemnation of all types of terrorism, whatever their origin, politics or philosophy. Although his delegation did not deny the importance of identifying the underlying causes of the phenomenon of terrorism, it felt that it was more important to adopt sweeping measures to prevent and eliminate terrorist acts. The very survival of the essential values of society made it necessary to go beyond the task of investigation to concrete action to apprehend and punish the perpetrators of the crime.

26. With regard to another aspect of the problem, his delegation had never confused terrorist acts with the action of peoples determined to gain their independence in conformity with the purposes and principles of the Charter; it had always recognized the right of peoples to self-determination, especially those which were under colonial régimes. However, it was totally opposed to other movements which hid behind a false name and attacked legally constituted political systems.

27. His delegation welcomed the work of the Ad Hoc Committee on International Terrorism, which had culminated in the presentation to the General Assembly of recommendations representing the expression of a common awareness of the terrorist phenomenon and a collective will to take measures to eliminate that phenomenon. Although the content of some of the paragraphs in the report was not entirely satisfactory, the document must on the whole be regarded as positive in that it represented a step forward in the common task of eliminating terrorism and that step must be followed by others.

28. His delegation was therefore in favour of granting a new mandate to the Ad Hoc Committee on International Terrorism so that it could, in conformity with the suggestion contained in recommendation 10, proceed to prepare one or more

/...

(Mr. Martinez Gariazo, Uruguay)

International conventions on the matter. In that connexion, the Minister for Foreign Affairs of Uruguay had spoken in the General Assembly of the need for the international community to establish suitable legal machinery and inculcate the necessary attitudes in world public life so that terrorism could be effectively opposed in all its pseudo-political forms which often amounted to nothing more than ordinary crime.

The meeting rose at 4.55 p.m.