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at 10.30 a.m.

New York

SUMMARY RECORD OF THE 9th MEETING

Chairman: Mr. GUNA-KASEM (Thailand)

later: Mr. ZEHENTNER (Federal Republic of Germany)

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The meeting was called to order at 10.40 a.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; A/34/387, 403, 429, 435 and 498)

1. Mr. SIRCAR (Bangladesh) said that his delegation endorsed the views on international terrorism set forth in paragraphs 14 and 15 of the report of the Ad Hoc Committee on International Terrorism (A/34/37). It supported the view that if the principles enshrined in the United Nations Charter, the Universal Declaration of Human Rights and other relevant United Nations decisions were properly observed, international terrorism could be avoided to a great extent. Since the underlying causes of international terrorism were either political in nature, as in the case of colonialism, racism, racial discrimination, apartheid, genocide and aggression, the use of force contrary to the United Nations Charter and violation of the political independence, national sovereignty and territorial integrity of States, or of an economic and social character, the complex problem of international terrorism had to be dealt with carefully within the legal régime, bearing in mind the unacceptability of a broad interpretation of the concept of international terrorism which would include the national liberation struggle and acts of resistance against the aggressor. His delegation was deeply concerned about acts of international terrorism and recognized the importance of international co-operation in preventing their occurrence, in accordance with General Assembly resolutions 3034 (XXVII), 31/102 and 32/147. It therefore supported recommendations 2, 3, 4, 5, 6, 7 and 11 of the Ad Hoc Committee, contained in part IV of the report.

2. When considering the need for additional international conventions concerned inter alia with the principle of extradition or prosecution to combat acts of international terrorism not yet covered by existing conventions, it must be ensured that such conventions did not affect the inalienable right to self-determination and independence of all peoples living under colonial and racist régimes and other forms of alien domination or undermine the legitimacy of their struggle, particularly the struggle of national liberation movements, in accordance with the purposes and principles of the United Nations Charter, and relevant resolutions. The struggles of liberation movements fell within the purview of the 1949 Geneva Conventions and the Additional Protocols thereto and could not be defined as acts of international terrorism.

3. Mr. JEZIL (Czechoslovakia) said that his delegation attached great importance to the consideration of the questions of the struggle against international terrorism in the Ad Hoc Committee and the Sixth Committee, for it viewed their deliberations as part of the international efforts to eradicate that dangerous phenomenon. His country had adopted and was implementing effective internal legislative, organizational and technical measures to prevent the occurrence of acts of terrorism in its territory and the use of its territory for launching such acts against other States, in keeping with the international obligations it had assumed in that connexion. The basic position of his delegation remained unchanged: it rejected international terrorism as a means of asserting any interests or attaining any objective. At the same time, it regarded international terrorism as a complex phenomenon, the understanding of and elimination of which from both international and national life called for a truly comprehensive approach. International terrorism could not be eradicated until its causes were exposed and eliminated, and there was no doubt that those causes were to be found primarily in the political, economic and social spheres and above all in the phenomena of colonialism, neo-colonialism, racism, apartheid, aggression and all forms of foreign domination. The struggle against international terrorism must in no case be misdirected so as to restrict the legitimate right of peoples to wage a national liberation struggle against those phenomena.

4. The recent session of the Ad Hoc Committee had helped create the realistic and constructive climate that was needed for the achievement of objectively effective measures for the suppression of international terrorism which would go far beyond the technical and general criminological aspects. It was to be hoped that the method of work chosen by the Ad Hoc Committee would lead to discussions on the definition of international terrorism and on comprehensive measures for its elimination. The comprehensive approach to the problem of international terrorism predominated in the report, and it was of particular importance that the report named colonialism, racism, aggression, occupation, interference in the internal affairs of States and various forms of foreign domination as the main causes of international terrorism. His delegation agreed with the Ad Hoc Committee's recommendation that States should be called upon to fulfil their international treaty obligations in the struggle against international terrorism but believed that it was important to be guided by the spirit and purpose of those treaties and to exert maximum political and legal efforts for a truly effective protection of States and their citizens against acts of international terrorism. Similarly, the policy of applying two different yardsticks when judging acts of international terrorism, which resulted in a differentiated approach by some States to acts of terrorism, depending on the individuals and States involved, was sharply at variance not only with the purpose of valid international agreements, but also with the proclaimed support of certain States for the struggle against international terrorism. It was important that States which had not yet done so should accede to and implement the existing international treaties against the various forms of international forms of terrorism. His delegation supported the Ad Hoc Committee's recommendation that the General Assmely and the Security Council should pay special attention to all situations which might give rise to international terrorism and agreed that those bodies should not hesitate to apply the provisions of Chapter VII of the Charter where necessary. Meanwhile, a great deal of work lay ahead in the struggle against international terrorism.

5. Mr. ENKHSAIKHAN (Mongolia) said that Mongolia's position on the question of international terrorism was determined by the main principles and objectives of its foreign policy, which was dedicated to the maintenance of international peace and security and the development of mutually beneficial co-operation among all States. His country strongly condemned acts of international terrorism, which not only affected the lives of innocent people but also lead to a deterioration of inter-State relations. It had thus become a party to the international conventions to combat terrorism, including the 1970 Hague Convention for the Suppression of the Unlawful Seizure of Aircraft, the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and the 1973 New York Convention on the Protection and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. It had also concluded international treaties and conventions providing for the prosecution or extradition of perpetrators of such heinous acts. Mongolia had also taken appropriate legislative measures at the national levels; the 1961 Penal Code stated that any act of terrorism fell within the category of especially dangerous crimes and also specifically provided that both the perpetrators of such acts and their accomplices should be severely punished.

6. His delegation firmly believed that universal accession to the existing international legal instruments, their strict observance in good faith, the elimination of double standards in dealing with acts of terrorism and the adoption of appropriate measures at the national level, would contribute significantly to the fight against international terrorism. Since colonial subjugation and racist or alien domination represented ab initio acts of violence and aggression, it was only natural that their victims should wage a struggle for the restoration of their legitimate rights, and it was therefore imperative that a clear distinction should be drawn between acts of international terrorism and the just struggle of peoples and national liberation movements against colonial and racist régimes and other forms of alien domination, in accordance with the purposes and principles of the United Nations Charter. The question of international terrorism must be dealt with in its entirety; its root causes must be identified, appropriate practical measures must be taken to prevent them and, if possible, a definition of acts of terrorism must be worked out. His delegation had therefore fully supported General Assembly resolution 32/147.

7. During its latest session, the Ad Hoc Committee had made considerable progress in fulfilling its mandate. The 11 recommendations to the General Assembly provided for practical measures of co-operation for the elimination of international terrorism, and his delegation supported recommendation 11 in particular, as well as recommendations 2, 3, 4, 6 and 8. Nevertheless, it was regrettable that the Ad Hoc Committee had not made an in-depth study of the underlying causes of international terrorism in accordance with its mandate. It was only by identifying and removing those causes that international terrorism could be eliminated, and the complexity of the study of those causes was not a valid reason for not undertaking such action. His delegation believed that such concrete measures as the restoration of the legitimate rights of the Arab people of Palestine, the cessation of the Israeli occupation of the Arab territories, the elimination of racial domination and the policy of apartheid, the provision of firm support to the liberation struggles and the condemnation of expansionist and hegemonistic ambitions and policies would lead to the final elimination of the

(Mr. Enkhsaikhan, Mongolia)

root causes of international terrorism if the mandate of the Ad Hoc Committee was to be extended, its immediate task should be to complete the study of those causes and make appropriate recommendations on ways and means of eliminating them.

8. Mr. Zehentnev (Federal Republic of Germany) took the Chair.

9. Mr. POPAL (Afghanistan) said that as a matter of policy, his country condemned acts of terrorism which endangered human lives or jeopardized fundamental freedoms and the increasing number of acts of international terrorism which endangered the lives of diplomatic representatives, since such acts affected peace and normal co-operation among States. It strongly believed that in order to act effectively against international terrorism, preparation and awareness were needed at the national level in order to mobilize domestic machinery and harmonize national legislation with international instruments. The existing international conventions were strong enough to combat terrorism if there was a will at the national level to mobilize domestic machinery and co-operate with other nations on the basis of bilateral, regional and international arrangements. At the same time, it was necessary to ascertain and seek to eliminate the underlying causes of international terrorism and to distinguish between political and criminal acts of terrorism. His delegation favoured an extension of the Ad Hoc Committee's mandate. It had an open mind as to the preparation of a convention by the Ad Hoc Committee or by the International Law Commission, but believed that caution was needed in the preparation of any new convention, since the problem of international terrorism must be regarded from the humanitarian angle and it must be ensured that any future instrument did not infringe the fundamental right of self-determination and the right of liberation movements, which was a right of jus cogens and in no way a criminal act of terrorism.

10. Mr. ARNOUSS (Syrian Arab Republic) said that his delegation's position on the item under consideration remained unchanged. His country condemned all acts of terrorism which involved the sacrifice of innocent human lives or affected the fundamental freedoms of the peoples at large. It believed that terrorism was an international crime and that the international community must find the best possible way to combat that evil and also the acts of racist régimes against the peoples struggling for freedom, independence and the right to self-determination, for instance in occupied Palestine and in southern Africa. The international community must take the necessary steps to prevent such acts. It must first define the concept of international terrorism and then try to eliminate its causes and determine the best ways of combating it. His delegation had participated in the work of the Ad Hoc Committee and, with other countries, presented a working paper (A/AC.160/WG/R.1) which was to be found in paragraph 69 of the Ad Hoc Committee's report. His delegation would have liked the Ad Hoc Committee's recommendations to have been presented in another form so as to attain the objectives of General Assembly resolution 32/147, and especially its operative paragraphs 2, 3, 4 and 7. Nevertheless, it regarded the recommendations as constructive and necessary measures. His country had acceded to the 1963 Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft, the 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft and the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

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(Mr. Arnouss, Syrian Arab Republic)

11. His delegation rejected any measures that would deprive peoples suffering under the yoke of racism, colonialism and other forms of foreign domination of the right to struggle for freedom, independence and the exercise of the right to self-determination, and deny the legality of that struggle, especially in the case of national liberation movements. That struggle was being waged in accordance with the principles and objectives of the Charter and the relevant United Nations resolutions.

12. Mr. HUANG Chia Hua (China) said that the question of international terrorism was a matter of considerable complexity and great urgency. In recent years, international public opinion had attached increasing importance to the problem; people were shocked and dismayed at the frequent terrorist acts against innocent people perpetrated by individuals and terrorist groups and were strongly demanding that such acts should be condemned and suppressed. Governments should take positive measures to prevent such acts, and the Chinese Government and people would strongly support such measures.

13. As stated by many representatives, particularly representatives of third world countries, international terrorism also took the form of large-scale international terrorist acts committed under the direct authority of the State. The damage caused by such acts was far greater than in the case of individual terrorism. For example, the appalling crimes of Hitlerite fascism, involving the brutal massacre of peaceful people were still vividly remembered. After the war, there had been the international terrorist acts involved in the large-scale expulsion of the Palestine people. Currently, a genocide tragedy of immense magnitude was unfolding in South-East Asia. One country was using all sorts of savage means to persecute the innocent people of a neighbouring country whose territory it had invaded and occupied by force. At the same time, it was expelling people from its own territory on a large scale, so that nearly one million people had been subjected to ruthless blackmail and extortion and then forced to leave their native land. Some had become displaced persons, and others had met their death in the depths of the oceans. Those were heinous acts of international terrorism which must be condemned in the strongest terms and subjected to the most drastic sanctions by the people of the world. His delegation believed that all forms of international terrorism - both individual acts, and acts on a larger scale - must be opposed.

14. An in-depth study of the causes of international terrorism was needed. The Sixth Committee and the Ad Hoc Committee had analysed various suggested causes and many of those analyses were valid, while other causes deserved further study. The working paper (A/AC.160/WG/R.1) submitted by Algeria and a number of other third world countries had made a positive contribution in that regard. Although international terrorism was a complex social phenomenon, in the final analysis its fundamental causes were colonialism, racism, imperialism and hegemonism, which must be resolutely condemned and opposed. The view that blurred the distinction between international terrorism and the just struggle waged by the oppressed and persecuted slanderously labelled the latter as "international terrorism". In their struggles against all forms of colonialism, racism, imperialism and hegemonism, waged with the active participation of the broad masses, the

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(Mr. Huang Chia Hua, China)

Palestinian and Arab peoples and the peoples of Asia, Africa and Latin America had his country's firm support.

15. Pending the completion of the in-depth study of the causes of international terrorism, a number of options for action were available. The international community had already adopted a number of unilateral, bilateral and multilateral measures to combat terrorism and war in the process of adopting others. The Sixth Committee would soon be considering the item on the drafting of an international convention against the taking of hostages, and the proposal put forward by a number of third world countries that a declaration against international terrorism should be drawn up merited serious consideration.

16. Mr. GOERNER (German Democratic Republic) said that his delegation had already stated its position on the item under consideration in detail at the thirty-first session of the General Assembly. In conformity with General Assembly resolution 32/147, in its observations submitted to the Secretary-General (reproduced in document A/AC.160/4) his country had underlined that acts of international terrorism might interfere with the development of peaceful co-operation among States and obstruct the process of international détente. His country had also stated that it appreciated that General Assembly resolution 32/147 called upon the Ad Hoc Committee to study first the underlying causes of international terrorism. The report of the Ad Hoc Committee (A/34/37) showed that that Committee had achieved genuine progress in the performance of that task.

17. His delegation supported the view expressed in the Ad Hoc Committee that colonialism, neo-colonialism, racism, the policy of aggression, foreign domination and hegemonism were among the basic causes of international terrorism. The report of the Ad Hoc Committee also mentioned fascism and neo-fascism as underlying causes of international terrorism. In his statement in the plenary Assembly of the current session, the Minister for Foreign Affairs of his country had drawn attention to increasing fascist and neo-fascist activities, emphasizing that such activities required a vigorous response on the part of the United Nations. Working paper A/AC.160/WG/R.1 on underlying causes of international terrorism constituted a useful basis for further study of that problem since it specifically drew attention to terrorism on the part of States, the most dangerous form of international terrorism.

18. The recommendations that the Ad Hoc Committee had submitted to the General Assembly relating to practical measures of co-operation were balanced and covered the whole spectrum of appropriate measures. His delegation attached particular importance to recommendations 3, 6, 8 and 11.

19. The United Nations should continue to pay special attention to the political and socio-economic causes of international terrorism. It was, moreover, particularly important that all States should accede to the conventions against international terrorism currently in force and strictly fulfil the obligations arising from them. The question as to whether it was necessary to draw up a general convention against international terrorism in addition to the existing ones required careful examination. His delegation reaffirmed its intention to continue to support all measures apt to prevent and combat international terrorism at the global level.

20. Mr. SCHWEITZER (Chile) said that his country had always categorically condemned terrorism in all its forms, since it was convinced that acts of terrorism did not remedy but, on the contrary, worsened the situation of those in whose name they were committed, in violation of one of the most important human rights, the right to life.
21. It was true that some progress had been made and that the recommendations in the report of the Ad Hoc Committee (A/34/37) were valuable. However, agreement had still not been reached on an instrument providing for effective international co-operation to combat international terrorism, and consequently the progress made was still insufficient. The task before the United Nations must be tackled as a matter of urgency if the hopes of the peoples of the world in that regard were to be fulfilled.
22. His delegation felt that international terrorism must be condemned unhesitatingly and unequivocally and be regarded as incompatible with international order. His delegation agreed with those delegations which felt that the crime of international terrorism must be defined. Although it would be difficult to establish an internationally acceptable definition, agreement could be reached on some basic aspects. Those aspects had been singled out by his delegation in its statement in the Sixth Committee at the thirty-second session (A/C.6/32/SR.55, para. 31).
23. Although each country had the duty and the sole right to protect its population from acts of international terrorism, such protective measures would not be effective if the international community did not, in turn, adopt generally accepted norms to prevent terrorism. For the foregoing reasons his delegation would continue to support the in-depth study of that question by the Sixth Committee, and would welcome an extension of the Ad Hoc Committee's mandate. In general his delegation supported the recommendations submitted by the Ad Hoc Committee, particularly recommendation 5 regarding the appeal to Member States to accede to the international conventions relating to international terrorism. His country had already ratified those conventions and it had, to the extent necessary, adapted its domestic legislation accordingly.
24. Mr. SERAFINI (Italy) said that the Ad Hoc Committee on International Terrorism, of which his country was a member, had from the outset perceived both the need to halt the expansion of international terrorism and the difficulties of a political nature that had thus far hampered the implementation of really effective international measures of co-operation to combat that tragic phenomenon.
25. In considering the causes of terrorism the Ad Hoc Committee had wished to take into account the concerns of those who felt that the tendency not to distinguish between purely criminal acts of terrorism and the reaction of peoples and individuals to oppression cast doubt on the legitimacy of the latter's actions. Those concerns were reflected in working paper A/AC.1260/WG/R.1 on the underlying causes on international terrorism. The report of the Ad Hoc Committee made it clear that, although certain situations could give rise to violent reactions that it would be hard to condemn without reservations, the sponsors of that working paper had in no way wished to justify acts of terrorism. Moreover, as stated in paragraph 75 of the report, the acts of oppression or exploitation

(Mr. Serafini, Italy)

referred to in the working paper did not automatically lead to terrorist acts, and terrorism sometimes occurred even in the absence of any form of violence or oppression. In fact, the sponsors of the working paper, by recalling the existence of certain circumstances that tended to foster terrorism, had made it clear in those circumstances it was difficult to formulate a generally acceptable definition of international terrorism or a simple condemnation of terrorism without making any effort to put an end to the situations that gave rise to it, which were contrary to the purposes and principles of the Charter. The Ad Hoc Committee had perceived those difficulties and had decided not to attempt to define terrorism, but it had fulfilled its obligation to recommend that the General Assembly should unequivocally condemn all acts of international terrorism which endangered or took human lives or jeopardized fundamental freedoms. At the same time, the Ad Hoc Committee had not failed to urge all States and relevant United Nations organs to contribute to the progressive elimination of the causes underlying international terrorism and to request the General Assembly and the Security Council to pay special attention to all situations that might give rise to it.

26. His delegation did not share the view of those who were dissatisfied with the results achieved by the Ad Hoc Committee and felt that the difficulties encountered during the two previous sessions of that body should be borne in mind. In unequivocally condemning all acts of terrorism the Ad Hoc Committee had wished to express its conviction that there could be no justification for indiscriminate violence against innocent victims. It was high time for the international community to condemn such violence. The practical measures set forth in the Ad Hoc Committee's recommendations were opportune and appropriate. The drafting of one or more supplementary international conventions based on the principle of extradition or prosecution was an ambitious undertaking, but that task must be tackled as soon as was feasible.

27. Apart from the reservations voiced by certain delegations, including his own, his delegation wished the General Assembly to adopt the Ad Hoc Committee's recommendations in the framework of a document that dealt with them specifically. His delegation also wished consideration to be given to the possibility of drafting an international convention to combat terrorism. It likewise agreed with the representative of China that a convention against the taking of hostages should be adopted.

The meeting rose at 11.50 a.m.