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SUMMARY RECORD OF THE 13th MEETING

Chairman: Mr. AFONSO (Mozambique)

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 125: 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 (continued)

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(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (continued) (A/46/346 and Add.1)

1. Mr. SULE (Chile) said that international terrorism was a matter of particular concern to his Government, which unequivocally condemned it in all its forms and manifestations. Terrorism violated fundamental human rights, obstructed the smooth functioning of society and undermined democratic institutions. It harmed not only individuals but society in its entirety, and it even had an impact beyond national boundaries, thereby creating new sources of conflict.

2. The struggle against terrorism should be waged in accordance with the principles laid down in the Universal Declaration of Human Rights. Those universal principles had been enshrined in the Chilean Constitution and had guided the Commission for Truth and Reconciliation in its work. The Commission had been established under Supreme Decree No. 355 in 1990 in order to determine the truth on the grave human rights violations that had involved the State of Chile, whether inside or outside Chile, in recent years and in order to bring about the reconciliation of all Chileans. Such violations included instances where detainees had disappeared, or had been executed or tortured to death, in respect of which the State had had a moral responsibility, as well as abductions and attempts on human life perpetrated by individuals for political motives.

3. The Commission had considered both terrorist acts committed by agents of the State or individuals in the service of the State and terrorist acts committed by individuals for political motives. In its report, it had taken the view that one and the same illicit act committed by an agent of the State could be characterized, without contradiction, in different ways. While such distinctions might seem to be purely academic, they had given rise to heated debate mainly because the term "human rights violation" had acquired a symbolic significance over and beyond its technical meaning not only in Chile but in the international community as a whole. The Commission had noted that traditionally the most respected human rights organizations had taken the position that human rights standards mainly governed relations between States and their citizens and that acts committed by individuals should therefore not

(Mr. Sule, Chile)

be referred to as human rights violations. According to that traditional perspective, to do so would be to divert attention from the exceptional gravity of a situation in which the State, which had authority over the forces of law and order and was responsible for protecting the rights of citizens, used its authority to violate those rights. Very often, however, when the term "human rights violations" was limited to the actions of the State, it was seen by public opinion as an attempt to condone or justify abuses or atrocities committed by political opposition groups. The idea had become firmly established in the public mind that there were certain human values which should be respected not only by the State but by all political protagonists. Such values were derived partly from the human rights norms and partly from the norms of international humanitarian law or the laws of war and they governed all political, public or private persons in times of peace, and all combatant forces in armed conflicts. In the public mind, the values in question had become synonymous with the term "human rights", thereby displacing the more restrictive historical meaning of the term.

4. The decree establishing the Commission for Truth and Reconciliation had defined human rights violations as not only those acts committed by agents of the State but also acts committed by individuals for political motives. While accepting the broader interpretation of the term "human rights", the Commission had emphasized that terrorist and other unlawful acts committed for political motives could not justify human rights violations by the State.

5. The solution adopted by the democratic Government of Chile had been to amend Act No. 18.314, which defined terrorist acts and established penalties, in order to define terrorism more precisely, broaden the scope of the definition and increase the relevant penalties, while at the same time guaranteeing due process of law for persons accused of acts of terrorism. The Chilean National Congress was also preparing bills designed to protect society from terrorism by seeking to bring about not only the dissolution of terrorist groups but also the reintegration of their members into society, which was a crucial element in the struggle against terrorism. Terrorism was an assault against the democratic order and there should therefore be a coordinated response from all social and political forces. In that connection, the Government of Chile had established a public safety commission to advise the President of the Republic and to process and transmit all intelligence data on terrorism to the various national security agencies.

6. At the international level, Chile had become a party to a number of conventions on terrorism and was currently studying the question of its early accession to two more instruments. It was important that States should not only observe the provisions of the relevant conventions but also accede to them, which would permit more effective implementation. The current relaxation of international tensions provided a favourable climate for the objective consideration of terrorism and its destructive consequences for society. It was important for the international community to develop a legal

(Mr. Sule, Chile)

framework to deal with the problem. While aware of the difficulty of establishing universal norms on the subject, particularly in view of the different concepts and approaches used in the various legal systems, the delegation of Chile agreed that there was an urgent need to join forces in the struggle to eliminate terrorism. The Sixth Committee should therefore proceed without delay to consider the replies received from both Governments and intergovernmental organizations with a view to harmonizing the different concepts and preparing a common basis for a more widely accepted normative framework. Moreover, in the relevant resolution to be adopted at the current session Governments of States that had not yet done so should be urged to communicate to the Secretary-General their views on international terrorism in all its aspects and on ways and means of combating it.

7. Mr. DONIGI (Papua New Guinea) said that his Government, whose position regarding terrorism was outlined in the report of the Secretary-General contained in document A/46/346, wholeheartedly condemned terrorist acts of any kind and supported the convening under United Nations auspices of an international conference on terrorism. However, the wording of the relevant General Assembly resolution, namely resolution 44/29, was very general, and gave the impression of focusing on the "violent" aspects of terrorism to the exclusion of its other manifestations: it should not be overlooked that terrorism could take the form of apparently lawful acts which none the less had the effect of violating fundamental human rights. It was therefore necessary to take a broader view of the concept of terrorism in order to encompass acts which were intended to create anxiety or terror, to coerce, or to induce a positive or negative response by means of threats. A further dimension of the problem was to be found in the fundamental right of indigenous peoples within a State to preserve their culture and to safeguard their property and resources, a right which went beyond the struggle for self-determination and national liberation.

8. In the case of Papua New Guinea, for example, the right of the indigenous peoples to benefit from exploitation of mineral and petroleum resources was recognized in customary law, whereas the Australian mining and petroleum laws applicable prior to independence affirmed that such resources were the property of the State. The Constitution adopted upon the country's accession to independence recognized the right to private ownership of such property, subject to the State's right to acquire property for a "public purpose". To protect their interests the mining and petroleum companies, which were mostly foreign multinationals, had quite legitimately established the Chamber of Mines and Petroleum. In recent years, however, those companies had become so influential that they had been able to threaten the people and Government of Papua New Guinea with total withdrawal of investments if the status quo regarding ownership of those resources was not maintained, a threat which was surely tantamount to terrorism in that it involved coercion, albeit without violence.

(Mr. Donigi, Papua New Guinea)

9. Licensing arrangements in the fishing industry were also highly discriminatory and calculated to perpetuate what might be termed the "dependency syndrome", as did the use of trade sanctions to prevent States from impounding vessels engaged in illegal fishing. Again, could it not be argued that such coercion fell within the scope of "terrorism"?

10. In short, he considered that no distinction should be drawn between terrorism which used violence to attain its ends and terrorism which aimed to deprive peoples of their fundamental right to property and the wealth deriving from its ownership.

11. He also wished to point out that the scope of the terms "alien domination" and "foreign occupation" used in resolution 44/29 was not confined to physical presence in a country's territory: the imposition of foreign laws and ideologies which denied the fundamental rights of the indigenous peoples was no less a form of alien domination.

12. For that reason, an international conference on terrorism should in its deliberations give due emphasis to the struggle both to preserve a people's fundamental rights, as recognized in international law, and to achieve freedom from the shackles of "alien domination", as defined in paragraph 17 of General Assembly resolution 44/29. It should also seek to identify possible causes of confrontation which, if not removed within a reasonable period, could lead disaffected parties to resort to terrorist methods in order to achieve their goals.

13. As to the resolution itself, he noted that the heading seemed to be at variance with the issues raised in the operative paragraphs, and that there was nothing in the latter to amplify the purpose of the conference as defined in the heading. He also noted that paragraph 14 did not state specifically that the conference should be limited to defining the term "terrorism" or to differentiating it from the struggle of peoples for national liberation. For that reason, his delegation believed that open dialogue was needed in order to identify the causes of terrorism so that contentious issues could be resolved in an appropriate and peaceful manner before the parties concerned resorted to terrorist measures.

14. Mr. GOUBAIL (Libyan Arab Jamahiriya) called upon the international community to intensify its efforts to eliminate terrorism. At the same time, he made a distinction between terrorism carried out by States or individuals and the legitimate armed struggle of peoples and liberation movements for self-determination and independence. Regrettably, State terrorism aimed at imposing control and creating political instability and at destroying economic, social and cultural structures was being practised on the unwarranted and flimsy pretext of maintaining international peace and security and protecting human rights in accordance with Article 51 of the United Nations Charter and United Nations resolutions. He questioned the extent to which United Nations resolutions, particularly those concerning the

(Mr. Goubail, Libyan Arab Jamahiriya)

Palestinian people, had succeeded in combating terrorism and punishing its perpetrators. Despite the emerging new world order, the Arab world was still plainly an area of permanent tension and instability where terrorism would never be eliminated unless the legitimacy used as a basis for implementing international change became a concrete reality for all nations and peoples. Such legitimacy did not include the implementation of Security Council resolutions which reflected the views and interests of the controlling States and which could be vetoed by any of the five permanent members. Instead, it should be a legitimacy which was in keeping with international law and the principles of justice and equity corresponding to the realization of the right to self-determination and freedom. It should ensure that the sovereignty of States and their exercise of sovereignty had legitimate bases, and it should prevent the wrongful seizure of an entire homeland, the dispossession and oppression of its people, and the description of them as terrorists. It should prevent the flagrant violation of international law and United Nations resolutions perpetrated by, for example, inflicting terrorism on the Palestinian people, suppressing their uprising in the occupied territories, murdering them and assassinating their leaders. Moreover, the same entity which had committed such acts had also invaded Lebanon in 1982 and still occupied southern Lebanon. It had perpetrated the Sabra and Shatila massacres and was continuing with Jewish immigration into the occupied territories and the construction of settlements there.

15. His country condemned such terrorism and implored the international community to put a stop to it, thereby enabling the Palestinians to attain their legitimate rights. It also condemned all terrorist practices, and had helped to obtain the release of European captives. He proposed that the international community should step up its efforts to fight terrorism by curtailing the following practices: the monopoly over technology and preventing the third world from acquiring such technology; terrorism against an independent State; economic terrorism imposed by means of boycotts or embargoes; the ability of international monetary organizations to freeze assets and block development loans to developing countries unless they complied with economic and political preconditions; the threats posed to small countries by military bases and naval fleets which patrolled the seas in violation of international law; creating instability by way of outside attempts to replace unfavourable regimes; the encouragement of any form of destructive activity directed against another State; waging civil war in another State; attempts by intelligence agencies to bring about political and social changes; and all forms of crime against civil aviation, including the unlawful seizure of aircraft and taking civilian passengers as hostages. His country also advocated disarmament and weapons destruction, notably nuclear and chemical weapons. He called upon Member States to establish a clear yardstick for international legitimacy and to adopt a resolution at the current session of the General Assembly differentiating terrorism from the struggle of peoples for national liberation and self-determination and defining terrorism and measures to combat and prevent it.

16. Mr. OLANDER (Sweden), speaking on behalf of the five Nordic countries, said that, in the struggle against terrorism, the Nordic countries fully supported the principles laid down in resolution 44/29. They unequivocally condemned, as criminal and unjustifiable, all acts, methods and practices of terrorism wherever and by whomever committed. They were, furthermore, convinced that a policy of firmness was required, in accordance with international law, to bring international terrorism in all its forms to an end. To achieve that goal, States should fulfil their obligations under international law and cooperate with each other on a bilateral, regional or multilateral basis.

17. Despite all the efforts made to prevent them, terrorist acts were still being committed in almost every part of the world. While the serious threats that had been issued following Iraq's invasion of Kuwait in August 1990 had not materialized to the extent expected, the economic effects of those threats on international travel and aviation had been very serious. International cooperation, exemplified in the signing at Montreal on 1 March 1991 of the Convention on the Marking of Plastic Explosives for the Purpose of Detection, had been instrumental in countering those threats. The Nordic countries therefore appealed to those States that had not yet done so to become parties to the international Conventions relating to various aspects of international terrorism.

18. The Nordic countries vigorously condemned all acts of hostage-taking and abduction and appealed to the States concerned to use their influence to help secure the immediate and safe release of all hostages. In that connection, he urged the Secretary-General, in fulfilment of the special responsibility that had been entrusted to him, to continue to work towards a successful solution to the problem.

19. The Nordic countries were not in favour of the convening, under the auspices of the United Nations, of an international conference, to define terrorism and to differentiate it from the struggle of peoples for national liberation, since, in their view, it would be impossible to find a legal definition of terrorism that would serve any useful purpose. The members of the international community should nevertheless continue to work together to eliminate the causes of terrorism. A solution to the conflict in the Middle East, for example, which took into account the interests and legitimate rights of all the parties concerned would greatly contribute to the achievement of that goal.

20. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that the Soviet Union wholeheartedly condemned terrorism, which continued to be an acute problem, not only for individual countries, but also for regions, and indeed threatened the interests of the international community as a whole.

(Mr. Ordzhonikidze, USSR)

21. A major landmark in the endeavour to bring about a climate of more resolute rejection of terrorism was the adoption by the General Assembly of its resolution 44/29. There was no doubt that the United Nations could greatly enhance the effectiveness of its action in that field by concentrating on the need to strengthen cooperation between Member States; by developing new norms and obligations under international law in matters relating to terrorism; by coordinating the activities of the specialized agencies; by interacting with the appropriate regional organizations and structures; and by helping States to resolve crisis situations resulting from terrorist acts. Such initiatives would require a corresponding mobilization of efforts by the General Assembly and the Security Council, and enhancement of the role of the Secretary-General.

22. In particular, the General Assembly might, taking its earlier decisions as a basis, draft a declaration unreservedly condemning terrorism and other acts of politically-motivated violence which threatened innocent people. It might also consider the possibility of drafting a new international instrument aimed at preventing, curtailing and removing the consequences of terrorist acts involving nuclear weapons or nuclear materials. At the recommendation of the General Assembly, the Security Council could establish a working group to study the legal and technical aspects of the matter, and the International Atomic Energy Agency (IAEA) could make an expert appraisal of its findings. In addition, there should be further study of the proposal for the preparation of an international document to regulate measures involving physical safeguards for chemical and biological materials, in order to prevent terrorism resulting in mass destruction.

23. Terrorism was linked to other forms of transfrontier crime, including illicit trafficking in drugs; for that reason it was essential to ensure coordination within the United Nations between narcotics control programmes and programmes concerned with terrorism, and also coordination with specialized agencies such as the International Maritime Organization (IMO), the Universal Postal Union, the World Tourism Organization and IAEA. The United Nations Educational, Scientific and Cultural Organization should consider the possibility of drafting a declaration on the role of the mass media in the struggle against terrorism; such a declaration would serve both to enhance public awareness and to reinforce the concept of the inadmissibility of using the mass media for terrorist purposes.

24. In conjunction with the specialized agencies the United Nations could usefully carry out a periodic survey of the status of implementation of the relevant international conventions, which would include information on incidents provoked by terrorist acts, the procedures followed in their criminal prosecution, and the sentences imposed. The specialized agencies should also endeavour to disseminate national experience in opposing terrorism, by means of seminars, training courses, comparative studies and the provision of technical assistance. In the long term there should be cooperation with regional organizations, but that was as yet only at the



(Mr. Ordzhonikidze, USSR)

initial stage. Close links with the International Criminal Police Organization (INTERPOL) should also be encouraged and would result in a significant saving of resources.

25. In order to help the Secretary-General play a more effective role in preventing terrorism, a special unit should be set up within the Secretariat, staffed by specialists in the political, legal and technical aspects of organizing international cooperation in that field.

26. All such measures would, of course, only be effective if States themselves took practical steps to combat terrorism.

27. The Soviet Union was a party to all the universal treaties currently in force and was participating in the preparation of new antiterrorist agreements. At the European level it had proposed the holding of a meeting of experts from the States participating in the Conference on Security and Cooperation in Europe to discuss problems of terrorism. It was also in favour of establishing working contacts with the relevant bodies of the European community, and had participated actively in a meeting for countries of the Western Pacific, held at Tokyo in March 1991 under the auspices of IMO, to discuss the prevention of unlawful acts against the passengers and crews of ships.

28. At the bilateral level, the Soviet Union was strengthening its cooperation with a broad range of countries, most recently with the United States in connection with the establishment of crisis-management machinery to safeguard civil aviation operating between the two countries from terrorist and related criminal attacks. In accordance with recommendations of the International Civil Aviation Organization, the bilateral agreements on air communications with, inter alia, Spain, the United Kingdom and the United States had been supplemented by articles on antiterrorist security.

29. In the Soviet Union itself, new criminal legislation on the taking of hostages, illegal acts involving radioactive materials, and attacks on transport communications had been introduced since 1987. Lastly, the Soviet Union was nearing the end of the process of ratifying the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf. It was intended that ratification should coincide with the adoption of appropriate domestic legislation.

AGENDA ITEM 131: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)  
(A/46/33 and Corr.1)

30. Mr. KOLOMA (Mozambique) said that he wished to correct a misrepresentation of a statement he had made at the Sixth Committee's 11th meeting on 8 October 1991. In connection with the need to enhance cooperation between the United Nations and regional organizations in the task of maintaining international peace and security, he had said that the working paper presented by the Soviet Union, set out in the report of the Special Committee (A/46/33, para. 46), deserved the attention of the Special Committee. The relevant press release issued by the Department of Public Information on 8 October 1991 (GA/L/2700) had reported him as saying that "the working paper presented by the United Nations on the role of regional organizations deserved attention".

The meeting rose at 11.50 a.m.