

GENERAL
ASSEMBLY

FORTY-SECOND SESSION

Official Records*



SIXTH COMMITTEE
60th meeting
held on
Tuesday, 1 December 1987
at 3 p.m.
New York

SUMMARY RECORD OF THE 60th MEETING

Chairman: Mr. AZZAROUK (Libyan Arab Jamahiriya)

CONTENTS

AGENDA ITEM 126: 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)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(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)

AGENDA ITEM 134: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES (continued)

AGENDA ITEM 137: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned within one week of the date of publication to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

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

The meeting was called to order at 4.10 p.m.

AGENDA ITEM 126: 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) (A/C.6/42/L.2, L.7/Rev.1, L.24)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(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)

1. The CHAIRMAN said that as a result of informal consultations by the delegations concerned a new draft resolution, contained in document A/C.6/42/L.24, had been submitted on the item. The co-sponsors of the draft resolutions submitted in documents A/C.6/42/L.2 and L.7/Rev.1 had decided not to insist on decisions being taken on them, and therefore the Committee had only to take a decision on the new draft resolution.

2. Mr. KALIN IN (Secretary of the Committee) drew the Committee's attention to the fact that the title of item 126 as it appeared on the title page of document A/C.6/42/L.24, which was also the title of the draft resolution submitted in that document, did not coincide exactly with the title adopted by the General Assembly for agenda item 126 of the Assembly's forty-second session (A/42/251), since subheadings "(a)", "Report of the Secretary-General" and "(b)", "Convening, under the auspices of the United Nations . . .", had been omitted. The Secretariat would take the necessary steps to rectify that omission.

3. Mr. DJORDJEVIĆ (Yugoslavia) said that, before introducing draft resolution A/C.6/42/L.24, he wished to make two technical corrections. Firstly, in the second preambular paragraph, the word "relevance" should read "importance", and, secondly, in the penultimate line of paragraph 14, the phrase "and other relevant United Nations resolutions" should be deleted.

4. Draft resolution A/C.6/42/L.24, co-sponsored by Cuba, Czechoslovakia, Malta and Yugoslavia, was the result not only of the efforts of those countries but of the joint efforts of all Member States. His delegation was satisfied that, after the adoption without a vote of resolution 40/61 at the fortieth session of the General Assembly, it had been possible to achieve an agreement on the consolidated text of the draft resolution. That had strengthened the practice of reaching consensus in the General Assembly in the consideration of the question of international terrorism, and had helped to create conditions favourable to strengthening international co-operation in that area on common grounds.

(Mr. Djordjević, Yugoslavia)

5. Draft resolution A/C.6/42/L.24 was the logical continuation of the ideas and initiatives contained in resolution 40/61 and the provisions of draft resolutions A/C.6/42/L.2 and L.7/Rev.1; however, it represented a step forward, since it incorporated a number of new proposals that not only complemented the efforts of Member States to deal with the problem of terrorism in a comprehensive way and to take effective action against it, but also provided a guarantee against possible abuses or misinterpretations of some of its provisions. For the foregoing reasons, he felt that he was speaking on behalf of the co-sponsors of the draft resolution, and of the Member States, in saying that he hoped the Sixth Committee would adopt the draft resolution without a vote.

6. Mr. SCHRICKE (France) said that, in view of the importance of the draft resolution under consideration, he wished to introduce some changes in the French version in order to bring it into line as much as possible with the original English version. Firstly, in the penultimate preambular paragraph, the phrase "comme il est envisagé" should read "comme il est mentionné".

7. Secondly, he noted that paragraph 7 was an exact replicate of paragraph 7 of General Assembly resolution 40/61; however, the wording of paragraph 7 in the French version of the draft resolution was not the same as the wording of paragraph 7 of the French version of resolution 40/61; the Secretariat should therefore take the necessary steps to make the two texts identical.

8. Thirdly, the phrase "y compris, entre autres" in the penultimate line of paragraph 12 should be moved to the third line of the same paragraph, following the word "combattre".

9. Finally, in paragraph 14, following the phrase "conformément aux principes de la Charte et" in the eighth line, the word "à" should read "en conformité avec".

10. Mr. MADI (Egypt) said that he would also like to submit a correction to the Arabic version of the draft resolution; he then gave the Arabic term which should replace the term presently used to translate the word "Considers" at the beginning of paragraph 14.

11. Mr. OMAR (Libyan Arab Jamahiriya) said that the phrase "inter alia" in the original English version of paragraph 12 had been omitted in the Arabic version, and should be included.

12. Mr. CASTROVIEJO (Spain) said that his delegation also had some minor corrections to the wording of the draft resolution. Firstly, in the second preambular paragraph, the word "pertinencia" should read "importancia", in line with the amendment introduced by the representative of Yugoslavia, and the word "para" should be inserted before the phrase "el fortalecimiento de la cooperación".

13. Secondly, the third preambular paragraph referred to the "Comité Especial sobre el Terrorismo Internacional"; he felt that the name of the Committee should be changed to "Comité Ad Hoc sobre el Terrorismo Internacional" to make it as similar as possible to the name of the Committee in the original English version.

(Mr. Cestroviejo, Spain)

14. Thirdly, in the eighth preambular paragraph, the word "a" should perhaps be replaced by the word "para".

15. Fourthly, to keep the Spanish version in line with the English version, in paragraph 14 the expression "de conformidad" should be repeated, inserting it before the phrase "con la Declaración citada" in the second to last line, as France had suggested for the French text.

16. Mr. SUN Lin (China) said that, in paragraph 12 of the Chinese version of the draft resolution, the phrase "inter alia" had not been translated, and the document would therefore be submitted to the Secretariat for correction.

17. Mr. BYKOV (Union of Soviet Socialist Republics) noted that, in view of the importance of the draft resolution under consideration, his delegation was studying the Russian translation of the resolution on the basis of the English text, and if there were any corrections to be made, they would be submitted later in writing.

18. Mr. SUKHBAATAR (Mongolia) said that during the informal consultations his delegation had proposed that a provision should be included in the draft resolution to prevent the utilization of nuclear devices or installations by individuals or groups of individuals to commit acts of terrorism, a provision which would strengthen the preventive role of the United Nations in the struggle against international terrorism. The mere reference in the fifth preambular paragraph to the 1980 Vienna Convention did not cover the whole problem because that Convention referred only to the physical protection of nuclear material during international transport and the peaceful use of such materials. His delegation felt that, sooner or later, the international community would have to deal with the prevention of that extremely dangerous form of terrorism, and he therefore urged Member States to pay due attention to the matter and consider Mongolia's proposal. With that reservation, his delegation supported the draft resolution as a whole.

19. Mr. HERNHARD (Denmark), speaking on behalf of the 12 member States of the European Community, said that he hoped that the decision taken on draft resolution A/C.6/42/L.24 would maintain the consensus established at the fortieth session of the General Assembly, unequivocally condemning all acts of international terrorism wherever and by whomever committed, or at least that virtually all Member States of the United Nations would support draft resolution A/C.6/42/L.24 and reaffirm that condemnation. The draft resolution was the result of many hours of hard work, demonstrating good faith and flexibility, and, in particular, it was a reaffirmation of General Assembly resolution 40/61, a milestone in the consideration of the item in the United Nations.

20. In his view, there was no need to stipulate in paragraph 14 that nothing in the resolution could in any way prejudice the right to self-determination, which belonged to all peoples. He had serious doubts about the advisability of including that paragraph in the draft resolution, since it could give the false impression that terrorism and the right to self-determination were in some way linked.

(Mr. Bernhard, Denmark)

21. In that connection, he wished to make it clear, first, that acts of terrorism could not be justified in any circumstances, no matter what the reasons for committing them, and, secondly, that the right of peoples to fight for self-determination, freedom and independence did not include the right to resort to terrorism. It was his firm belief that paragraph 14 could not be interpreted in any other way.

22. Mr. ROSENSTOCK (United States of America), speaking in explanation of vote before the vote, said that draft resolution A/C.6/42/L.24 contained many positive elements such as the condemnation of terrorism in paragraph 1, the appeal to all States to co-operate in the eradication of terrorism and in no circumstances to allow the application of the appropriate law enforcement measures to be obstructed, recognition of the work carried out by the specialized agencies, and the act that nothing in the resolution justified or sought to justify acts of terrorism, no matter what the ends might be. Also, the draft resolution was the product of hard and constructive work, carried out in a spirit of compromise, and pernicious and clearly counter-productive proposals had been excluded.

23. The United States would, however, abstain in the vote because the draft resolution did not focus sufficiently on the problem of terrorism. The draft resolution contained implicit and explicit reference to acts of subversion which, though undesirable and illegal, did not constitute terrorism. Unlike General Assembly resolution 40/61, it also contained references to self-determination which were gratuitous and readily susceptible to misinterpretation. The United States strongly supported the right to self-determination. That did not, however, mean that paragraph 14 should be included: it could suggest that all aspects of the struggle for self-determination could be regarded as acts of terrorism, and that terrorism could be justifiable if the end was self-determination.

24. Mr. NETANYAHU (Israel) said that the inclusion of item 126 on the General Assembly's agenda made it possible for an international conference to be convened in order to define terrorism and differentiate it from the struggle of peoples for national liberation, even though it was clear that the real purpose of the conference would be to legitimize acts of terrorism on the basis of a series of pretexts and excuses. For the time being the enemies of terrorism had managed to avoid the convening of such a farcical event, and Israel's prime concern was to avoid any recurrence of the possibility.

25. In addition, draft resolution A/C.6/42/L.24 contained elements that had not appeared in General Assembly resolution 40/61, in an attempt to distort the basic meaning of that resolution and to justify deliberate and systematic attacks on civilians by invoking the excuse of national liberation. Such changes weakened the general opposition to terrorism, which should be unconditional. For that reason, Israel would vote against the draft resolution.

26. Mr. RICALDONI (Uruguay) said that he would vote in favour of the draft resolution on the understanding that paragraph 14 could not be interpreted, legally or politically, as a justification for any act of terrorism.

27. Mr. AL-MASRI (Syrian Arab Republic) said that he would have liked the draft resolution to be stronger but that, because of the desire to arrive at a consensus, the content was minimal. An international conference should be convened to remove the deliberate confusion that existed between terrorism and national liberation movement s, and he trusted that a resolution to that effect could be adopted at the forty-third session of the General Assembly. Nevertheless, his country would vote in favour of the draft resolution in accordance with the position of the non-aligned countries.

28. The CHAIRMAN invited the Committee to vote on draft resolution A/C.6/42/L.24 as orally amended.

29. Draft resolution A/C.6/42/L.24, as orally amended, was adopted by 128 votes to 1, with 1 abstention.

30. Mrs. HILLO (Finland), speaking in explanation of vote on behalf of Denmark, Finland, Iceland, Norway and Sweden, said that, with the adoption by an overwhelming majority of draft resolution A/C.6/42/L.24, the progress made in General Assembly resolution 40/61 had been maintained. The Nordic countries had consistently emphasized that the legitimacy of a cause did not justify the means. Paragraph 14 of the draft resolution just adopted could give the false impression that there was a link between terrorism and the exercise of self-determination, and it would have been better not to include it.

31. Mr. RODRIGUEZ (Colombia) regretted that the unequivocal condemnation of terrorism had been put to the vote, which considerably weakened the moral force of the United legal condemnation by all States Members of the United Nations. He likewise regretted that that had been due to the ambiguous wording of one particular paragraph in the draft resolution.

32. Mr. GAMORAU (Canada) said that he had voted in favour of the draft resolution, which reaffirmed the condemnation of terrorism contained in General Assembly resolution 40/61. With regard to paragraph 14, the exercise of self-determination should not automatically be equated with acts of terrorism, and nothing in the paragraph should be interpreted as detracting from the condemnation of terrorism in paragraph 1.

33. Mrs. HIGGIE (New Zealand) welcomed the efforts made to achieve a consensus; she had voted in favour of the draft resolution. The Committee had overwhelmingly supported the condemnation of all acts, methods and practices of terrorism and paragraph 1 stated unequivocally that the end did not justify the means. New Zealand endorsed the terms of paragraphs 9 and 10 regarding the efforts made by other organizations to combat specific types of terrorism. Paragraph 12 seemed to offer a practical solution with regard to consideration of the convening of an international conference, as provided for in the penultimate preambular paragraph, which should be held only if there was a reasonable prospect of making progress. As to paragraph 14, the right to self-determination should be exercised in accordance with the Charter and the relevant principles of international law: nothing could justify the taking of innocent lives.

34. Mrs. PEARCE (Australia) said that she had supported the draft resolution and was grateful for the efforts made to arrive at a balanced and consolidated text. Paragraph 14 clearly supported the principle of self-determination, exercised in accordance with the Charter of the United Nations, but that did not except national liberation movements from the restrictions imposed on terrorism in the draft resolution.

AGENDA ITEM 134: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES (continued)

AGENDA ITEM 137: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

35. The CHAIRMAN suggested that the session of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries should be held from 25 January to 12 February 1988, and that the session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should be held from 22 February to 11 March 1988. If there was no objection, he would take it that the Committee agreed to that suggestion.

36. It was so decided.

The meeting rose at 5.05 p.m.