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Chairman: Mr. Lelong (Haiti)

Contents

Agenda item 161: Report of the United Nations Commission on International Trade Law on the work of its thirty-fourth session (*continued*)

Agenda item 21 (f): Cooperation between the United Nations and the Inter-Parliamentary Union (*continued*)

Agenda item 166: Measures to eliminate international terrorism (*continued*)

Closure of the session

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The meeting was called to order at 11.05 a.m.

Agenda item 161: Report of the United Nations Commission on International Trade Law on the work of its thirty-fourth session (*continued*) (A/C.6/56/L.26)

1. **The Chairman** explained that the draft decision in document A/C.6/56/L.26 sought to defer the matter of the enlargement of the United Nations Commission on International Trade Law to the fifty-seventh session of the General Assembly. Informal consultations on the draft resolution in document A/C.6/56/L.10 had not succeeded in overcoming existing differences of view. The idea of enlarging the membership of the Commission had been generally welcomed, but further consultations were required on the distribution of seats among the regional groups. The draft resolution had accordingly been withdrawn and replaced by draft decision A/C.6/56/L.26.

2. *Draft decision A/C.6/56/L.26 was adopted.*

Agenda item 21 (f): Cooperation between the United Nations and the Inter-Parliamentary Union (*continued*) (A/C.6/56/L.24/Rev.1)

3. **Mr. Singh** (India) said there had been general agreement during the informal consultations that the unique status of the Inter-Parliamentary Union (IPU), as a world organization of parliaments, warranted its being granted observer status in the General Assembly. However, because of the lack of consensus on the manner of its representation, it had been decided to withdraw the draft resolution in document A/C.6/56/L.24 and to submit a draft decision calling for the matter to be further considered and decided upon during the fifty-seventh session of the General Assembly.

4. **Mr. Maréchal** (Belgium), speaking on behalf of the member States of the European Union, said it was extremely important to strengthen the links between the Inter-Parliamentary Union and the United Nations. He regretted that it had not been possible to reach a decision on granting observer status to IPU during the current session of the General Assembly, especially as there was no objection in principle. He hoped a positive decision would be made in the near future.

5. **Mr. Akamatsu** (Japan), **Mr. Lavallo-Valdés** (Guatemala), **Ms. Cavaliere de Nava** (Venezuela) and **Mr. Hmoud** (Jordan) agreed.

6. **Mr. Kafando** (Burkina Faso) said that, at its most recent meeting in Ouagadougou, IPU had made clear that it wished all possible steps to be taken to grant it observer status with the Organization. He therefore hoped everything would be done to bring the matter to a successful conclusion during the next session of the General Assembly.

7. *The draft decision was adopted.*

Agenda item 166: Measures to eliminate international terrorism (*continued*) (A/C.6/56/L.22 and Corr.1)

8. **Mr. Rowe** (Australia), speaking as the coordinator of the draft comprehensive convention on international terrorism, explained that the consultations which he had been conducting had focused on draft article 18. Considerable support had been expressed both for that text and for amendments to it proposed by a number of delegations, with the result that it had not yet been possible to achieve agreement on a single version of draft article 18. However, all delegations had reiterated their commitment to achieving a comprehensive convention as quickly as possible. He would report further at the appropriate time on the progress made towards attaining that goal.

9. **Mr. Vámos-Goldman** (Canada) introduced draft resolution A/C.6/56/L.22 and Corr.1, which was modelled on General Assembly resolution 55/158.

10. Paragraph 11 should be revised by the deletion of the text following “the United Nations”, so that the paragraph would read: “*Urges* all States and the Secretary-General in their efforts to prevent international terrorism, to make best use of the existing institutions of the United Nations”. Paragraph 15, which was new, reflected the progress made in elaborating the draft comprehensive convention within the Ad Hoc Committee, and in the Working Group of the Sixth Committee established pursuant to General Assembly resolution 55/158. Paragraph 16 reflected paragraph 13 of resolution 55/158, with the addition of the words “as a matter of urgency”, to reflect the sense of urgency voiced by many delegations. Paragraph 17 proposed that the Ad Hoc Committee should resume its work from 28 January to 1 February 2002, so placing it as a priority item on the agenda of the Sixth Committee. Provision was made for the work to continue, if necessary, during the fifty-seventh session of the General Assembly.

11. **Mr. Obeid** (Syrian Arab Republic) said that, up to the last moment, his delegation had cooperated in a

positive spirit with the coordinator of consultations on the draft resolution in an effort to achieve balanced wording acceptable to all parties.

12. His country condemned terrorism in all its forms and manifestations and emphasized the need to distinguish between, on the one hand, terrorism that was to be denounced as a crime and, on the other, the struggle against foreign occupation, the legitimacy of which was affirmed by international law and by the Charter of the United Nations. His country regarded occupation and State terrorism as the most heinous form of terrorism. It had consistently advocated efforts at all levels to combat State terrorism in all its forms and manifestations in accordance with the purposes and principles of the Charter, and had been the first to call, in 1985, for the convening of an international conference under United Nations auspices in order to define terrorism and to distinguish between it and the legitimate struggle for national liberation. His country had also called for a study of the underlying causes of terrorism and for appropriate measures to prevent, combat and address those causes. It had urged all States to take measures at the national, regional and international levels to eliminate terrorism and to implement the provisions of international law and international resolutions in order to prevent the commission, financing or instigation of terrorist acts. In 1952, his country had been one of the first States to adopt strict laws to combat terrorism.

13. Because of his country's genuine desire to make a positive contribution to combating terrorism in all its forms and manifestations, and bearing in mind the exceptional circumstances created by recent events and the fact that draft resolution A/C.6/56/L.22 was procedural in nature and contained a number of positive provisions, and in spite of its reservations on certain paragraphs, his delegation would not object to the draft resolution being adopted without a vote. At the same time, his delegation regretted that the substantial amendments it had submitted, which were all consistent with international law and with the Charter, had not been taken into account.

14. The first preambular paragraph referred to the purposes and principles of the Charter, which guaranteed the rights of all peoples and which distinguished between those rights and acts of terrorism, and the fourth preambular paragraph referred to all General Assembly and Security Council resolutions on measures to eliminate international terrorism. That was an implicit reference, in particular, to the commitment of all States

to General Assembly resolution 46/51, which affirmed that the struggle of peoples against foreign occupation and the struggle of national liberation movements were legitimate, were in accordance with international law, including the United Nations Charter, and were not regarded as terrorism.

15. The failure to include a clear reference in the draft resolution to General Assembly resolution 46/51, which had been adopted by consensus, confirmed the desire of certain States to seek political advantage by deliberately confusing criminal terrorist acts with the legitimate struggle against foreign occupation. His delegation also understood the reference to the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations to include the clear affirmation in the Declaration of the right of peoples to resist foreign occupation.

16. His delegation welcomed the ninth preambular paragraph of the draft resolution, which reflected the position of the Non-Aligned Movement. He drew particular attention, in that connection, to the reference to cooperation between States to combat terrorism in accordance with the principles of the Charter, international law and relevant international conventions. His delegation also supported the position of the Movement of Non-Aligned Countries, which had condemned terrorism and differentiated between terrorism and the legitimate struggle against foreign domination, as indicated in the twelfth preambular paragraph.

17. Consequently, the understanding of his delegation was that the concept of terrorism in the draft resolution did not include resistance to the Israeli occupation of Arab territories because such resistance was legitimate. Action had to be taken against the criminal acts that were being committed on a daily basis by the Israeli forces of occupation against an unarmed population. In the absence of a specific definition of terrorism, his delegation had no objection to the renewal of the mandate of the Ad Hoc Committee so that it could continue its work on the elaboration of a comprehensive convention on international terrorism in accordance with paragraphs 16 and 17 of the draft resolution, and study the question of the convening of a high-level conference under the auspices of the United Nations. The conference agenda should include the question of defining terrorism and differentiating between terrorism and the legitimate struggle against foreign occupation.

18. His delegation looked forward to a clearer and more balanced text that took account of the concerns of

all parties, unlike the draft resolution under consideration which was defective in certain respects.

19. **Mr. Diab** (Lebanon), speaking on behalf of the Group of Arab States, reiterated the Group's condemnation of terrorism in all its forms and manifestations; such criminal acts could not be justified under any circumstances. The Group condemned, in particular, the recent acts in the United States that had resulted in the death of innocent people and substantial material damage. Measures to combat terrorism, whether perpetrated by individuals, groups or States, should be coordinated within the framework of the United Nations. On the basis of the Arab Group's commitment to constructive efforts to combat terrorism in all its forms and manifestations, it joined the consensus on the adoption of the draft resolution.

20. The Group wished to highlight the positive content of the draft resolution and to stress that the preamble, which was inspired by the principles and purposes of the Charter of the United Nations and the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, implied that nothing in the draft resolution could be understood to be prejudicial to the right of peoples to resist occupation or their right to self-determination and independence, which were enshrined in the Charter.

21. The understanding of the Arab Group was that the reference in the fourth preambular paragraph to all resolutions of the General Assembly on measures to eliminate international terrorism implied a reference to resolution 46/51, which clearly differentiated between terrorism and the rights of peoples to resist foreign occupation.

22. The Arab Group reaffirmed the inalienable right of all peoples under foreign occupation to self-determination and independence. It stressed the legitimacy of national liberation movements in accordance with United Nations instruments, and the inadmissibility of establishing any linkage between the right to resist foreign occupation and the fight against terrorism.

23. The Palestinian people still endured the most extreme form of Israeli terrorism, involving killing, demolition, blockade, starvation, the displacement of people, and torture. The Israeli occupation forces resorted to a wide range of sophisticated and internationally prohibited weapons. The Arab States considered that it was important to combat the terrorism practised by the occupying Power against the

Palestinian people, the Lebanese people and Syrian citizens of the occupied Arab Golan.

24. The Arab Group was in favour of measures to eliminate international terrorism within the framework of the United Nations, in accordance with the Charter and the fundamental principles of international law, including the elaboration of a draft comprehensive convention on international terrorism and of a draft international convention for the suppression of acts of nuclear terrorism, and supported, in particular, the efforts that had been made to convene a high-level conference to discuss terrorism and agree on a definition of terrorism that would distinguish between terrorism and the legitimate rights of peoples to resist foreign occupation.

25. **Ms. Cueto-Melian** (Cuba) reiterated her delegation's condemnation of terrorism in all its forms and manifestations, wherever and by whomsoever committed. Her delegation joined the consensus on the draft resolution on the understanding that the preamble recognized all the General Assembly resolutions on measures to eliminate international terrorism and, in particular, recognized the right of peoples to struggle for their self-determination and against foreign domination and occupation.

26. The adoption of the draft resolution was important because it would contribute to the early elaboration and adoption of a comprehensive convention on terrorism, a convention on nuclear terrorism, and the convening of an international conference to promote joint action to combat international terrorism.

27. *Draft resolution A/C.6/56/L.22, as orally revised, was adopted.*

28. **Mr. Haque** (Pakistan), explaining his Government's position on the draft resolution just adopted, said that it condemned terrorism in all its forms and manifestations. It was to be hoped that the adoption of the draft resolution by consensus would send a strong signal to terrorists regarding the international community's commitment to fighting terrorism.

29. It was his delegation's understanding that the reference in the fourth preambular paragraph to all General Assembly resolutions included Assembly resolution 46/51, which was a very comprehensive instrument covering various aspects of terrorism. That resolution recognized that the effectiveness of the struggle against terrorism could be enhanced by the establishment of a generally agreed definition of

terrorism. It also called for the elimination of the underlying causes of terrorism, and upheld the right of peoples under foreign occupation and alien domination to struggle legitimately for their self-determination, in accordance with the purposes and principles of the Charter of the United Nations and international law.

30. **Mr. Becker** (Israel) welcomed the adoption of the draft resolution by consensus. Following the heinous terrorist attacks of 11 September 2001, there were few messages more important than the one sent by the United Nations that all attacks on innocent civilians were criminal and unjustifiable, regardless of cause, motive or grievance.

31. His delegation noted with satisfaction that certain delegations which in the past had been unable to join the consensus on a resolution comprehensively condemning terrorism were now able to do so. His Government had hoped that that shift reflected a rejection of the assertion that the deliberate murder of innocent civilians did not constitute terrorism if it was perpetrated in the name of a cause. Likewise, his Government had hoped that the shift was an affirmation of the principle that terrorism could never be justified under any circumstances.

32. Unfortunately, the statements just made suggested otherwise. It would seem that they were an attempt to disguise, by rhetoric and diplomacy, continuing support for certain groups in the face of a world now united in confronting the scourge of terrorism. The aim was to obscure the increasing isolation of certain delegations, as the global coalition against terrorism naturally turned its attention to those States known to fund, harbour and support terrorist organizations.

33. The attempt to argue that Israeli measures to protect civilians constituted terrorism, while the suicide attacks that threatened them were part of a legitimate struggle, was offensive in the extreme. For a military commander, every death of a civilian was a tragic consequence of a war against terrorists who used civilians as human shields. For the terrorists, every death of a civilian was a measure of their success.

34. The fundamental commitment to resolve disputes by peaceful means, and never through violence, must be respected. His Government remained ready, as soon as violence, terror and incitement ended, to return to a genuine negotiating process on the basis of Security Council resolutions 242 (1967) and 338 (1973) and to make the painful compromises necessary for peace.

35. He wished to remind certain delegations that the Security Council and the Secretary-General had repeatedly confirmed Israel's full withdrawal from southern Lebanon in accordance with Council resolution 425 (1978), while continuing, in resolutions 1310 (2000) and 1337 (2001), to call on Lebanon to meet its responsibilities for restoring calm to the area and preventing attacks on Israel across the "blue line".

36. If the core of the conflict in the Middle East was the desire of each people to determine its own future in peace and security, then that could certainly be achieved through the responsible conduct of negotiations. The hate-filled language of certain delegations and the continued support for attacks against civilians in the name of a cause did nothing to bring the region closer to peace and stability.

37. **Mr. Mirzaee-Yengejeh** (Islamic Republic of Iran) said that, while the wording of the fourth preambular paragraph was clear, his delegation wished to place on record its understanding that the reference to "all resolutions" included General Assembly resolution 46/51.

38. **The Chairman** said that several delegations had asked to exercise their right of reply. In that connection, he drew attention to the relevant rules of procedure of the General Assembly.

39. **Mr. Obeid** (Syrian Arab Republic), speaking in exercise of the right of reply, said that Israel characterized resistance to its occupation of Arab peoples and territories as terrorism. Meanwhile, the terrorism which Israel practised in the region had continued for dozens of years. Israel carried out its crimes on a daily basis without regard for United Nations resolutions. It had not complied with any of the dozens of Security Council resolutions recognizing it as an occupying Power and calling on it to withdraw its troops from the occupied Arab territories. The reports of the Secretary-General on Israeli practices in those territories described such acts as crimes.

40. Those who said that the Arabs were terrorists when they attempted to shake off the yoke of occupation should not forget that the Prime Minister of Israel had been summoned to appear before a Belgian court to answer for crimes against humanity. The terrorist crimes committed in Lebanon, which had led to the murder of thousands of children and civilians, were forever seared in human memory. On 18 November 2001, the mayor of Jerusalem had described the Belgian Government and the Belgian court as "abject".

41. His delegation did not wish to reject the need to return to the negotiating table to resolve the ongoing conflict in the Middle East. That conflict could be summarized by the need to implement Security Council resolutions, particularly resolutions 242 (1967) and 338 (1973), and the principle of land for peace. His delegation had attended the Peace Conference on the Middle East held at Madrid in 1991, while Israel had avoided and continued to avoid such negotiations. That was a clear indication of which party was serious about negotiations and which was shirking its responsibility to come to terms.

42. **Mr. Diab** (Lebanon) said that the Israeli representative had given the members of the Committee a lesson in fighting terrorism. Nevertheless, he wished to ask whether the deliberate shelling of a United Nations compound at Qana in 1996, which had ended in the murder of 104 Lebanese civilians, mostly children, women and the elderly, was an example of fighting terrorism. The question also arose whether the deliberate killing of more than 500 Palestinian children asking for their liberation from occupation was an example to be followed in fighting terrorism.

43. As for breaches of the withdrawal line established by the Security Council, he recalled that the Secretary-General had, in his latest report, called on Israel to end its daily breaches of Lebanese territory, calling such acts a clear provocation.

44. State terrorism, as practised by Israel, was the most heinous crime against humanity and should be condemned and fought. In rejecting violence and terrorism, it was necessary first to reject occupation, which was the main cause of all violence.

Closure of the session

45. *After the customary exchange of courtesies, the Chairman declared the work of the Committee at the fifty-sixth session closed.*

The meeting rose at 12.35 p.m.